

---

---

# A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 471-2, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§471-2 License required.** No person shall practice  
4 veterinary medicine, either gratuitously or for pay, or shall  
5 offer to so practice, or shall announce or advertise, publicly  
6 or privately, as prepared or qualified to so practice, or shall  
7 append the letters "Dr." or affix any other letters to the  
8 person's name with the intent thereby to imply that the person  
9 is a practitioner of veterinary medicine, without having a valid  
10 unrevoked license obtained from the Hawaii board of veterinary  
11 medicine; provided that nothing in this chapter prevents or  
12 prohibits the following:  
13           (1) Any person from gratuitously treating animals in case  
14           of emergency;  
15           (2) The owner of any animal or animals and the owner's  
16           full-time, regular employees from caring for and  
17           treating any animals belonging to the owner; provided



1           that the owner and the owner's employees shall not  
2           perform any surgical procedures including but not  
3           limited to surgical birth, ear cropping, tail docking,  
4           or debarking;

5           (3) Any student enrolled in any veterinary school or  
6           college or any employee of a veterinarian from working  
7           under the direct supervision of a veterinarian;

8           (4) Any person from practicing veterinary medicine in the  
9           employ of the United States government while engaged  
10          in the performance of the person's official duties;

11          (5) Any person licensed to practice veterinary medicine in  
12          any state, or any certified scientist or professional  
13          in animal care, from practicing in this State when in  
14          actual consultation with or under the sponsorship of  
15          veterinarians of this State; provided that the person  
16          licensed from another state, or the certified  
17          scientist or professional in animal care, shall not  
18          open an office, or appoint a place to meet patients,  
19          or receive calls within the limits of the State;



1 (6) Any farmer from giving to another farmer the  
2 assistance customarily given in the ordinary practice  
3 of animal husbandry; or

4 (7) Any applicant who meets the licensing requirements of  
5 practicing veterinary medicine under a veterinarian by  
6 permit; provided the applicant applies for and takes  
7 the first examination scheduled by the board. A  
8 permit shall not be renewed."

9 SECTION 2. Section 471-15, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "~~[+]§471-15[+]~~ **Criminal penalties.** ~~[Any]~~ (a) Except as  
12 provided in subsection (b), any person convicted of violating  
13 section 471-2 shall ~~[have committed]~~ be guilty of a misdemeanor  
14 and shall be subject to a fine not to exceed \$500 ~~[or]~~,  
15 imprisoned not more than six months, or both.

16 ~~[Additionally,]~~ (b) Any person convicted of violating  
17 section 471-2 and who, in the course of that violation,  
18 intentionally or knowingly performs any surgical procedure,  
19 including but not limited to surgical birth, ear cropping, tail  
20 docking, or debarking, on a pet animal shall be guilty of a



1 class C felony. For purposes of this subsection, "pet animal"  
2 shall have the same meaning as in section 711-1100.

3 (c) In addition to the penalties provided in subsections  
4 (a) and (b), all tools, implements, appliances, medicine, and  
5 drugs used in the practice of veterinary medicine by any person  
6 convicted of practicing veterinary medicine without a license  
7 shall be declared forfeited to the State by the court and turned  
8 over to the board for disposition as it may choose to make."

9 SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is  
10 amended by amending subsection (2) to read as follows:

- 11 "(2) Subsection (1)(a) shall not apply to:
- 12 (a) Accepted veterinary practices[+] performed by a  
13 veterinarian licensed under chapter 471;
  - 14 (b) Activities carried on for scientific research governed  
15 by standards of accepted educational or medicinal  
16 practices; [~~or~~] and
  - 17 (c) Cropping or docking as customarily practiced[~~-~~] and  
18 performed by a veterinarian licensed under chapter  
19 471."



1           SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Veterinary Medicine; Criminal Penalties

**Description:**

Prohibits the owner of an animal, and the owner's employees, from performing any surgical procedure, including but not limited to surgical birth, ear cropping, tail docking, or debarking on the animal without being licensed as a veterinarian. Makes intentionally or knowingly performing any surgical procedure on a pet animal by any person not licensed as a veterinarian guilty of a class C felony. Specifies that accepted veterinary practices and cropping or docking as customarily practiced, shall not be considered cruelty to animals in the first degree if performed by a licensed veterinarian. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

