



BILLS TO BAN SALE OF UNSTERILIZED DOGS OR CATS ON AGENDA IN HAWAII

**** SB 2504 SET FOR HEARING ON FEBRUARY 7TH ****

The Issue:

Hawaii Senate Bills 2504 and 2198 both propose a ban on the sale of unsterilized dogs and cats and require pet sellers to microchip all dogs and cats prior to sale. These bills also require pet sellers make certain health and identification disclosures to new owners. Senate Bill 2504 is set to be heard in the Senate Commerce and Consumer Protection Committee on February 7, 2012.

The Impact:

Senate Bill 2504

[SB 2504](#) makes it unlawful for a pet seller to sell an unsterilized dog or unsterilized cat to the public, to a retail pet store, or to a pet supply or equipment purchaser representing or engaged in business with a retail pet store. A pet seller that gives an unsterilized dog or unsterilized cat for free to the public, a retail pet store, or pet supply or equipment purchaser, is also to be considered a sale and is prohibited. The bill defines a “pet seller” as “any person, partnership entity, or corporation who sells pets to the public or to a retail pet store”.

This bill provides that all “pet sellers must implant an identification microchip in a dog or cat prior to the sale or exchange of the dog or cat.” Upon sale or exchange, the pet seller is required to provide the dog or cat owner with the microchip registration information.

Under SB 2504, pet sellers must also disclose the following information upon sale or exchange of a dog or cat:

- The breeder's name, address, and license information, if licensed by the USDA;
- The date of the dog or cat's birth, if known;
- The date the pet seller received the dog or cat, if applicable;
- The breed, sex, color, and identifying marks of the dog or cat; and
- Veterinarian information, including:
 - A record of inoculations and worming treatment;
 - A record of any veterinarian treatments or medications received while the dog or cat was in the possession of the pet seller;

- A receipt or other documentation signed by a licensed veterinarian indicating that the dog or cat was spayed or neutered; and
- A document stating that the dog or cat has no known diseases or illnesses or describing any known diseases or illnesses of the dog or cat or congenital or hereditary conditions that may adversely affect the health of the dog or cat at the time of sale or exchange or is likely to adversely affect the health of the dog or cat in the future.

Pet sellers must keep a copy of these documents for two years after the sale or exchange of the animal and must make all completed and signed documents available for inspection and copying upon the request from a humane officer, animal control officer, or law enforcement officer. Any person found in violation of these provisions will be guilty of a petty misdemeanor.

Senate Bill 2198

[Senate Bill 2198](#) states that “no pet seller may sell, barter, trade, exchange, or give, free of charge, to a person, corporation, organization, partnership, association, or other legal entity, a cat or dog, unless:

- The cat or dog is spayed or neutered;
- The pet seller implants a microchip or knows that a microchip is already implanted in the cat or dog prior to the sale, barter, trade, exchange, or gift; and
- The pet seller provides the registration information regarding the microchip to the new owner at the time of delivery of the cat or dog.”

NOTE: “pet seller” is defined the same in this bill as in SB 2504 (see above).

If this bill is enacted, pet sellers will be required implant a microchip in a cat or dog in the seller's possession, unless a microchip has already been implanted in the cat or dog. SB 2198 also requires pet sellers to disclose the same information to new dog and cat owners as in SB 2504 (see list above).

This legislation calls for pet sellers who violate these provisions to be fined up to \$1,000 for each separate offense violation. Each date of violation shall constitute a separate offense.

PIJAC Position:

PIJAC strongly advocates responsible pet ownership, including the spaying or neutering of dogs and cats as appropriate. However, PIJAC has consistently opposed state-enacted mandatory spay/neuter or microchip laws. The decision to sterilize is one that should be made on a case-by-case basis by pet owners after consultation with their veterinarian. Imposing spay/neuter and microchipping responsibility and costs on pet sellers is an undue burden that should not be placed solely on sellers and will drive up cost of pet animals.

Recommended Action:

[Senate Bill 2504](#) is set for hearing in the [Senate Commerce and Consumer Protection Committee](#) on Tuesday, February 7th at 9:00 a.m. in Room 229.

[Senate Bill 2198](#) has also been placed in the Senate Commerce and Consumer Protection Committee, but has not been set for a hearing.

If these bills affect you and your business please read the text of these bills carefully and contact committee members with your questions and concerns. Should you have any additional questions please feel free to contact PIJAC's Bambi Nicole Osborne at 202-452-1525, ext. 105 or via email at Bambi@pijac.org.

