

HAWAII BOARD OF VETERINARY MEDICINE
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Thursday, February 6, 2020

Time: 10:00 a.m.

Teleconference
Locations: Oahu:
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Big Island:
Kona Veterinary Service
73-4730 Mamalahoa Hwy
Kailua-Kona, Hawaii 96740

Kauai:
Paradise Animal Clinic
2-2514 Kaumualii Hwy, Suite 109
Kalaheo, Hawaii 96741

Present: Craig Nishimoto, D.V.M., Chairperson
Robert Jordan, D.V.M., Vice-Chairperson
Leianne K. Lee Loy, D.V.M., Member
Alicia Maluafiti, Member
Gregory Zambrano, Executive Officer
Kedin Kleinhans, Executive Officer
Leanne Abe, Secretary

Excused: Shari J. Wong, Esq., Deputy Attorney General (“DAG”)

Guest: None.

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 10:10 a.m. by Chairperson Dr. Nishimoto.

2020 Legislative
Session Bills: A. Bills Amending Hawaii Revised Statutes Chapter 471
i. Discussion on House Bill Nos. 2130/2453/2528 – Relating to Veterinarians

Discussion on Senate Bill No. 2985 – Relating to Veterinarians

Executive Officer Zambrano reported that these bills seek to provide veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence. Provides veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship, immunity from civil liability in the absence of gross negligence. Requires veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe that it relates to dog fighting or animal abuse and gives veterinarians immunity for civil liability for making the reports.

Ms. Maluafiti commented that H.B. 2130 and H.B. 2453 are effectively dead for the year.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Jordan, and unanimously carried to support H.B. 2528 and its companion bill, S.B. 2985.

ii. Discussion on Senate Bill No. 2512 – Relating to Veterinary Medicine

Executive Officer Zambrano reported that this bill seeks to prohibit 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, and 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.

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Maluafiti, and unanimously carried to support S.B. 2512.

iii. Discussion on House Bill No. 2163 – Relating to Veterinary Medicine

Executive Officer Zambrano reported that this bill seeks to prohibit an animal's owner, and the owner's employees, from performing any surgical procedure, including surgical

birth, ear cropping, tail docking, or debarking, without being licensed as a veterinarian. Makes it a class C felony to intentionally or knowingly perform any surgical procedure, including surgical birth, ear cropping, tail docking, or debarking, on a pet animal by any person who is not licensed as a veterinarian. 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. Adds the use of castration bands to neuter pet animals to the offense of cruelty to animals in the second degree.

Discussion ensued and the Board agreed to add language from S.B. 2513 which defines castration band:

Uses a castration band to neuter a dog, cat, or other domesticated pet; provided that for purpose of this paragraph, "castration band" means a rubber ring placed around the scrotum above the testes of an animal that cuts off blood supply to the testes and scrotum causing the tissue to shrivel and fall off after a few weeks, leaving a scar;

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Jordan, and unanimously carried to support H.B. 2163 with amendments to add the language of S.B. 2513 which defines castration band.

B. Other Bills Relating to Veterinary Medicine

i. Discussion on House Bill No. 146 – Relating to Health

Executive Officer Zambrano reported that this bill seeks to establish and appropriate funds for one full-time equivalent (1.00 FTE) permanent veterinary medical officer position within the Department of Health.

After discussion, it was moved by Dr. Lee Loy, seconded by Vice-Chairperson Dr. Jordan, and unanimously carried to support H.B. 146.

ii. Discussion on House Bill No. 200 – Relating to Cruelty to Animals

Executive Officer Zambrano reported that this bill seeks to prohibit specified trolleys, pulleys, cables, or running lines designed to attach a dog to two stationary objects in a

configuration that endangers the dog, including by depriving the dog of sustenance. Prohibits tethering or restraining a dog under the age of six months unless the dog is engaged in an activity supervised by its owner or an agent of its owner. Prohibits tethering or restraining a dog with a tow or log chain if the tow or log chain inhibits the free movement of the dog. Prohibits tethering or restraining a dog with a choke collar, pinch collar, or prong collar unless the dog is engaged in an activity supervised by its owner or an agent of its owner.

After discussion, it was moved by Ms. Maluafiti, seconded by Dr. Lee Loy, and unanimously carried for the Board to take no position and track H.B. 200.

iii. Discussion on House Bill No. 930 – Relating to Animals

Executive Officer Zambrano reported that this bill seeks to prohibit a pet store operator from selling a dog, cat, or rabbit unless the dog, cat, or rabbit was obtained from certain human sources.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Jordan, and unanimously carried for the Board to take no position and track H.B. 930.

iv. Discussion on House Bill No. 1162 – Relating to Pet Boarding Facilities
Discussion on Senate Bill No. 1429 – Relating to Pet Boarding Facilities

Executive Officer Zambrano reported that these bills seek to regulate the operation of pet boarding facilities within the State.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Jordan, and unanimously carried for the Board to take no position and track H.B. 1162 and its companion bill, S.B. 1429.

v. Discussion on House Bill No. 1689 – Relating to Animal Fur Product
Discussion on Senate Bill Nos. 1350/2753 – Relating to Animal Fur Product

Executive Officer Zambrano reported that these bills seek to prohibit the manufacture and sale of animal fur products, with certain exceptions/circumstances.

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Maluafiti, and unanimously carried for the Board to take no position and track S.B. 1350, S.B. 2753 and its companion bill, H.B. 1689.

- vi. Discussion on House Bill No. 1618 – Relating to the Sexual Assault of an Animal
Discussion on Senate Bill No. 2718 – Relating to the Sexual Assault of an Animal

Executive Officer Zambrano reported that these bills seek to amend the Penal Code to establish the crime of a sexual assault of an animal. Provides that the sexual assault of an animal is a class C felony of a class B felony if the offense subjects a minor to sexual contact with an animal or is committed in the presence of a minor.

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Maluafiti, and unanimously carried for the Board to take no position and track H.B. 1618 and its companion bill, S.B. 2718.

- vii. Discussion on Senate Bill No. 2513 – Relating to Animal Cruelty

Executive Officer Zambrano reported that this bill seeks to include use of a castration band to inhumanely neuter a dog, cat, or other domesticated pet under the offense of cruelty to animals in the second degree.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Jordan, and unanimously carried to support S.B. 2513.

- viii. Discussion on Senate Bill No. 2716 – Relating to the Animal Industry Special Fund

Executive Officer Zambrano reported that this bill seeks to add new sources of revenue generated by the state veterinary laboratory and animal disease control that can be deposited into the Animal Industry Special Fund.

After discussion, it was moved by Vice-Chairperson Dr. Jordan, seconded by Dr. Lee Loy, and unanimously carried to support S.B. 2716.

Next Board Meeting: Wednesday, April 15, 2020
10:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further discussion, the meeting adjourned at 11:17 a.m.

Reviewed and approved by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:la

03/01/20

- [X] Minutes approved as is.
[] Minutes approved with changes.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary