

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

MINUTES

Date: February 11, 2021

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/96349043479>

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
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)
Chelsea Fukunaga, Executive Officer
Kerrie Shahan, Executive Officer
Lei Ana Green, Executive Officer
Leanne Abe, Secretary

Excused: Aileen Wada, Member
Clayton Matchett, D.V.M., Member

Guests: 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).

A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order: There being a quorum present, the meeting was called to order at 9:05 a.m. by Chairperson Nishimoto.

Chairperson Nishimoto proceeded with roll call.

Contacting Board Members: Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Executive Officer Fukunaga reminded Board members to direct all communications from the public to the Board's Executive Officer, so that the information may be distributed to all Board members. This is to ensure that Board members remain unbiased and are not precluded from discussing or voting on a matter.

DAG Wong reiterated the importance of Board members remaining unbiased and impartial. DAG Wong explained that the Board's objectivity may be jeopardized if a member or several members are privy to information that is not available to the rest of the Board. DAG Wong related that it would be beneficial for Board members and members of the public to direct their inquiries to the Board's Executive Officer to ensure that Board members are not precluded from participating in the discussions and vote of a particular issue.

Ms. Maluafiti asked DAG Wong if she would be able to draft a statement on behalf of the Board members as a response to all public inquiries that they receive.

DAG Wong confirmed affirmatively.

Legislative
Committee:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Executive Officer Fukunaga inquired whether the Board would consider establishing a Legislative Committee. Executive Officer Fukunaga explained that the Legislative Committee would meet in the interim between Board meetings to establish a position on bills that are introduced after the Board has met or respond to any substantive changes to bills that may require a change in position. The resulting testimony would reflect that it is from the Legislative Committee on behalf of the Board.

After discussion, it was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan, and unanimously carried to establish a Legislative Committee consisting of Vice-Chairperson Jordan, Dr. Lee Loy, and Ms. Maluafiti.

Legislation:

Chairperson Nishimoto asked if any members of the public

would like to provide oral testimony on this agenda item.
There were none.

- A. Bills Amending Hawaii Revised Statutes Chapter 471
 - 1) Senate Bill No. 609 – Relating to Veterinarians
House Bill No. 1086 – Relating to Veterinarians

Executive Officer Fukunaga 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 events of animal injury, death, or abuse to law enforcement 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.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Jordan, and unanimously carried for the Board to support S.B. 609 and H.B. 1086.

- B. Other Bills Relating to Veterinary Medicine

- 1) House Bill No. 32 – Relating to Animal Fur Products

Executive Officer Fukunaga reported that this bill seeks to prohibit the manufacture for sale, sale, offer for sale, display for sale, trade, or distribution of certain animal fur products in the State.

- 2) Senate Bill No. 51 – Relating to Animal Endangerment

Executive Officer Fukunaga reported that this bill seeks to prohibit confining a pet animal in a manner that endangers their health or safety. Permits law enforcement officers, animal control officers, and first responders to enter an unattended vehicle to rescue a pet animal if there is a good-faith, reasonable belief that the pet animal is in imminent danger. Allows private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances.

- 3) Senate Bill No. 343 – Relating to the Sexual Assault of an Animal

House Bill No. 1085 – Relating to the Sexual Assault of an Animal

Executive Officer Fukunaga reported that these bills seek to establish the crime of bestiality. Provides that the bestiality is a class C felony or 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.

- 4) Senate Bill No. 345 – Relating to Cosmetics
House Bill No. 1088 – Relating to Cosmetics

Executive Officer Fukunaga reported that these bills seek to ban the import for profit, sale, and offer for sale of any cosmetic in the State if the final product or any component of the final product was developed or manufactured using animal testing performed on or after 1/1/2022. Effective 1/1/2022.

- 5) Senate Bill No. 346 – Relating to Farm Animals
House Bill No. 538 – Relating to Farm Animals

Executive Officer Fukunaga reported that these bills seek to require farm owner or operators to confine egg-laying hens in accordance with the standards established in this measure. Effective 12/31/25, prohibits a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a cruel manner.

- 6) House Bill No. 409 – Relating to Animal Caretakers

Executive Officer Fukunaga reported that this bill seeks to require the Department of Health to contract with a nonprofit animal rescue group to oversee caretakers of feral cats and mongooses. Exempts registered caretakers of feral cats and mongooses from state laws and county ordinances relating to the feeding and confinement of cats and mongooses. Establishes a trap-sterilize-return process.

- 7) House Bill No. 416 - Relating to Section 711-1109, Hawaii Revised Statutes.

Executive Officer Fukunaga reported that this bill seeks to prohibit certain restraints and tethers that endanger, or deny sustenance, to a dog. Authorizes the court to assess fines, order performance of community service, require mental health counseling, or order

attendance at educational classes concerning animal abuse prevention in addition to or in lieu of other penalties.

- 8) Senate Bill No. 545 – Relating to Animal Cruelty
House Bill No. 1087 – Relating to Animal Cruelty

Executive Officer Fukunaga reported that these bills seek to prohibit specified trolleys, trolleys with swivels, 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. 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.

- 9) Senate Bill No 969 – Relating to Animal Fur Products

Executive Officer Fukunaga reported that this bill seeks to prohibit the manufacture for sale, offer for sale, display for sale, sale, trade, or distribution of certain animal fur products in the State.

After discussion, it was moved by Dr. Lee Loy, seconded by Vice-Chairperson Jordan, and unanimously carried for the Board to take no position and track the aforementioned bills.

Next Board Meeting: Wednesday, April 14, 2021
10:00 a.m.
Virtual Videoconference Meeting

Adjournment: There being no further discussion, the meeting adjourned at 9:34 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Chelsea Fukunaga

/s/ Leanne Abe

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Chelsea Fukunaga
Executive Officer

Leanne Abe
Secretary

CF:la

3/01/21

- Minutes approved as is.
- Minutes approved with changes. See minutes of.