

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

MINUTES

Date: February 7, 2024

Time: 10:00 a.m.

Place: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, HI 96813

Virtual Videoconference Meeting - Zoom Webinar  
<https://dcca-hawaii-gov.zoom.us/j/86071321589>

Zoom Recording Link: <https://youtu.be/7ZtsU1zawAU>

Present: Marcella Chock, Chairperson (“Chair”)  
Lisa Wood, D.V.M., Vice-Chairperson (“Vice-Chair”)  
Craig Nishimoto, D.V.M., Member  
Aileen Wada, Public Member  
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)  
Kerrie Shahan, Executive Officer (“EO Shahan”)  
Kai Cockett, Secretary  
Mia Hoang, Tech Support  
Johnny Li, Tech Support

Excused: None.

Guests: None.

Agenda: The agenda for this meeting was posted on the State electronic calendar 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: The Chair proceeded with roll call. All Board members confirmed they were present. There being a quorum present, the meeting was called to order at 10:16 a.m.

Legislative Measures: The Chair asked if any member of the public would like to provide oral testimony on this agenda item. There were none.

EO Shahan stated that the Board is meeting because there are three bills before the Legislature that if passed would significantly change the Board's statute.

A. HB1527\_Animals; Pet Animals; Surgery; Prohibited

EO Shahan reported that this bill seeks to prohibit animal owners and their employees from performing any surgical procedures on the owner's animal or animals. Prohibits the elastration, or castration via banding, of a pet animal. Provides that a violation of the prohibitions is a class C felony. Clarifies that the offense of cruelty to animals in the first degree does not apply to accepted veterinary practices and cropping or docking as customarily practiced when the procedures are performed by a licensed veterinarian.

EO Shahan stated that this bill would add "Pet Animal" to the definitions in Chapter 471, stating the definition would be the same as in Chapter 711-1100, "Pet animal means 'a dog, cat, domesticated rabbit, guinea pig, domesticated pig, or caged birds (Passeriformes, Piciformes, and Psittaciformes only) so long as not bred for consumption'".

EO Shahan asked the Board if they have any comments on the term 'pet animal' or having that added to the statute? There was none.

EO Shahan stated that the bill would add to §471-2 (2). The section would have the following added after stating an owner and owner's employees don't need a license, "provided that the owner and owner's employees shall not perform any surgical procedures on the animal, including cesarean or c-section, ear cropping, tail docking, ventriculocordectomy, also known as devocalization or debarking, onychectomy, or dewclaw removal, and the elastration, or castration via banding, of a pet animal".

Ms. Wada stated that it appears the bill seeking to remove any surgical procedures from the exemption.

EO Shahan stated the owner and or owner employee can do such things as medication. If you were a cattle rancher, you could still do inoculations. Owner and or owner employees can do subcutaneous fluids, wound care. The items listed are surgical procedures.

Dr. Nishimoto stated that the current statute 471-2 (2) does not itemized out any procedures. He stated that he does not have any problems the items listed in (a) – (f). He believes that the with the list of procedures, the addition of "pet animals" is helpful. The Senate bill, SB2562, specifies "dogs" at the beginning of 471-2,

but the House bill has “pet animals” only on item (f). Dr. Nishimoto would recommend that the Board’s testimony include replacing “dog” with “pet animal” on line two. He also suggested that cats should be included as well as dogs in the House bill.

EO Shahan asked Dr. Nishimoto if he would prefer House bill (HB 1527), because it includes all pet animals, whereas the Senate bill (SB 2562), concerns only dogs.

Dr. Nishimoto responded that the bills should include only pet animals for all those procedures listed. As the bills are written, farm animals would be restricted: a farmer could not do tail docking on sheep, which is a customary practice in sheep ranching.

EO Shahan asked if Dr. Nishimoto would like it to read on both, §471-2-2 starting at ‘provided’ line 5, “provided that the owners and owners employees shall not perform any surgical procedures on pet animals.’

Dr. Nishimoto answered in the affirmative. He then asked if Dr. Wood had any comments on this.

Dr. Wood stated that she believes the House bill is too broad by using the terminology “animal” or “animals”. It does not specify pet animals, or more specifically dogs. She stated that in her practice they do not see rampant c-sections in animals other than dogs. She is aware that there are unlicensed people that are doing c-sections and ear cropping on dogs. She stated that she believes the intent of the bill is to crack down on those kinds of activities in dogs. She further stated that tail docking and castration is commonly done by the owners in production medicine, as Dr. Nishimoto stated. She would have concerns about having castration and tail docking included in the bill. The type of legislation would prohibit individuals in production management from their normal procedures for these animals.

EO Shahan stated that she is talking about specific exclusions, people that don’t need a veterinary license. This is specially geared towards the owner of the animal and their employees. It is not talking about the veterinarians.

Dr. Wood stated that she understands.

EO Shahan stated that she doesn’t think that this would affect production medicine.

Dr. Wood stated that in production medicine it is the owners that do a large amount of this type of procedures.

EO Shahan asked the board members if the bill was to say that these procedures are specifically not to be done on pet animals or for animals that are being raised not for consumption, would that alleviate your concerns?

Dr. Wood answered, "pet animal" would, she is thinking of the pot belly pig and smaller pigs that are not typically raised for consumption, but sometimes can be. She stated there are producers that raise the animals for sale and those animals may go to a home that would eventually consume that animal. She does not want to criminalize those people. Tail docking and castration are procedures that are done for the wellbeing of the animal. She does not want to hinder the ability of owners to do those procedures.

Chair Chock asked, in the spirit of this new language, if we kept the procedures on dog or dogs, instead of saying 'pet animals', would that be acceptable?

Dr. Wood answered that she is more comfortable with then the House bill (HB 1527). She stated that there are many breeders that do their own tail docking. Tail docking needs to be done early on. She usually tries to encourage her clients to tail dock on day 3. If puppies happen to be born on a Thursday, and they cannot get an appointment to come in on day three, it creates a hardship for the owners. Many of the owners can perform the tail docking procedure.

Dr. Nishimoto stated that he can accept the term 'dog' instead of 'pet animals' but it should be at the top of the list and not just be for castration only.

Dr. Wood stated that the Senate bill has it worded that way.

Dr. Nishimoto stated yes, the Senate bill has it worded that way but not the House bill, the way it reads, is that a farmer cannot do tail docking. Is that how you interpret it?

Dr. Wood answered 'yes', that is how she interprets the House bill.

Dr. Nishimoto stated that he does not agree with that and suggested that the legislation should the species included at the top of the list.

Dr. Wood stated on the House bill page 2, line 7 and 8, it states, 'animal or animals.' The Senate bill, on page 2, line 1 and 2, it says 'they shall not perform any surgical procedures on a dog or dogs.'

Dr. Wood asked what Dr. Nishimoto his opinion on the inclusion of tail docking?

Dr. Nishimoto responded that tail docking is subjective, but it is usually performed at less than 7 days of age. He stated that at that age, it is his opinion an owner could do tail docking; however, owners should not be doing tail amputations at 6 months or greater. The bills should be more specific if it is to allow laypeople to do tail docking.

Dr. Wood stated that she agrees.

EO Shahan stated that on tail docking is listed on line 11, item C of the House bill (HB 1527) and on line 6, item C of the Senate bill (SB 2562). She asked if the Board would you like to recommend that the lines be modified to add, "tail docking on animals 7 days and younger"?

Dr. Nishimoto answered it should say 7 days or older. He stated that he would be okay, but that he believed the animal welfare community does not want any tail docking.

EO Shahan stated if the Board believes that breeders or laypeople could do this up to 7 days without endangering the animal, it can make that statement. You can make the statement that the Board does not want someone facing a felony or a misdemeanor if the pet animal is under 7 days.

Dr. Wood asked if they put that bill into place, and her neighbor that raises Australian shepherds and tail docks his puppies on day 8, could the neighbor be turned in and face a felony?

Dr. Nishimoto answered, 'he could be'.

EO Shahan answered "if this became law".

Dr. Wood stated that she is not concerned about tail docking in puppies. She does have concerns about c-sections and ear cropping. She is not aware of anyone that does debarking. She stated that she believes breeders are competent and very capable of performing the docks.

Dr. Nishimoto stated that he is worried about the age for tail docking to be allowed. The bills do not specify any age limit.

EO Shahan asked, when would you consider a pup too old to dock their tail without veterinarian intervention. How old should a dog be before a veterinarian should be concerned if someone other than a veterinarian is to dock their tail? Is it 2 months or 3 months?

Dr. Wood stated that she is sure it is documented somewhere when they have more pain awareness.

Dr. Nishimoto stated that he would not feel comfortable if the pet was 8 weeks or older. He thinks that would be too old to be tail docked without anesthesia. If they are going to do tail docking, they should be doing it early. That is his opinion.

Ms. Wada stated that we need to be aware, there must be instances to rally up people to basically have them put this and change what is in these sections. She is curious why are they asking for this, even before the animal had been cropped and docked. She has not read anything in the newspaper, so she is curious, is this an organization that is asking for this?

EO Shahan answered that does not have that information.

Chair Chock asked Dr. Wood and Dr. Nishimoto, if they have seen any complications when owners have performed these procedures?

Dr. Nishimoto answered, definitely for ear cropping. He thinks owners have no business doing ear cropping.

Dr. Wood stated that she agrees with Dr. Nishimoto. She has also seen some castrations that had something go wrong.

Dr. Nishimoto stated that he agrees with Dr. Wood, owners shouldn't be doing castrations on their own. The tail docking, for him it's an age thing.

EO Shahan asked if the consensus will be that they would like to see item C, tail docking removed because the profession has not seen complications of owner tail docking in neonatal puppies.

Dr. Nishimoto stated that they can decide if they are going to do something else for adult dog's tail docking.

Ms. Wada stated that they can recommend that tail docking is not acceptable in adult dogs. That is the concern, that it should not be done by the owner.

Chair Chock asked if the veterinarian profession has an age recommendation for when tail docking would be considered too risky for a non-licensed veterinarian to tail doc a dog?

Dr. Wood stated that she would research the answer.

EO Shahan asked for verification that the Board would recommend removing tail docking, although if they put in for adult dogs, we will support it; and would recommend that the House bill state “pet animal” on lines 7 and 8.

Chair Chock stated that it should say ‘dog’ or dog’s’.

EO Shahan stated that is stated in the Senate bill (SB 2562).

Chair Chock stated that we should be consistent for those procedures.

EO Shahan asked if they see these procedures done on other animals other than dogs? Do the licensed members see cesarian sections or castrations done on other pet animals such as cats or pet pigs?

Dr. Wood answered that she did see it on pigs.

Dr. Nishimoto stated that it would be allowed if it were on dogs on the top.

Dr. Wood stated that she prefers the language in the Senate bill (SB 2562).

EO Shahan asked if she thinks the bills are geared towards dogs and not all pet animals?

Dr. Wood answered that in her experience, yes.

Ms. Wada stated that she never seen an ear cropped pet, but she has seen some cats with stubby tails. She asked if that is too dangerous, like dogs.

Dr. Nishimoto stated that some owners may neuter their own farm cats. He asked Dr. Wood if she thinks this is a problem?

Dr. Wood answer that she does not think it’s a problem.

EO Shahan asked if they think this should be geared towards dogs and not all pet animals because the profession has not seen these procedures being done on other animals other than the dog?

Dr. Wood answered that is the way she feels, yes.

Chair Chock asked Dr. Wood, are you suggesting for the House bill (HB 1527), page 2, line 7, where it says, ‘procedures on the animal or animals’, that we are consistently to reflect “dog or dogs” as in Senate bill (SB 2562)?

Dr. Wood answered 'yes'.

Chair Chock stated that on line 15 it says, 'The elastration, or castration via banding, of a pet animal', should this be changed to 'dog or dogs' as well?

Dr. Wood answered, it is done in sheep, piglets, although she has not seen a lot of bands in piglets. She stated that producers still band sheep and calves. She believes, that the narrower the bill, the more protection for production.

Dr. Nishimoto stated that we can remove 'pet animal' at the bottom and keep it at 'dogs', we can recommend putting it in the House bill as 'dogs.' Would that be acceptable?

Dr. Wood stated that the Senate bill specifies 'any surgical procedure on a dog or dogs including' and it list all the procedures. She thinks the language should be consistent.

Based on the conversation, EO Shahan suggested the following language, "The Board prefers the language in the Senate Bill 2562 referring to 'dog or dogs' rather than 'pet animals. The Board suggest either removing item (c) tail docking, because the profession does not see complications of owner or owner employees performing tail docking in neonatal puppies. The Board would support banding tail docking if it was confined to adult dogs.

Dr. Wood stated that she would call it tail amputation versus docking at that point. She thinks there is a difference. Amputation personally would be done for an injury or a medical condition. Tail docking is more of a breed standard.

Dr. Nishimoto stated that is the terminology. He has had owners want tail amputations for breed standards in older dogs. It's a terminology thing.

Dr. Wood stated that she thinks the intent is that they do not want owners or owner employees to do surgery on adult dogs.

EO Shahan stated that she will work on the testimony and will send it to the Board for review.

EO Shahan stated that in both bills, the wording of section 15 is being changed. In the Senate bill it is on page 4, in the House bill its page 4 as well. Section 15 currently reads 'any person convicted of violating section 471-2 shall have committed a misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both'.



The House bill (HB 1527) changes the first paragraph by stating 'except as provided in subsection B, any person can be convicted by violating section 471-2 shall have committed a misdemeanor and subject to a fine not to exceed \$500 or imprisonment not more than six months, or both. Meaning anything other than what's in subsection B, is still a misdemeanor. However, a new section B is added to the House bill (HB 1527) stating, "any person convicted of violating subsection 471-2 (2) shall have committed a class C felony and be subject to a fine not to exceed \$10,000 or imprisoned not more than five years, or both". The (b) on the senate bill is all about the disposal, of the implements and tools, it doesn't language concerning a felony.

Dr. Nishimoto asked what the penalties in other states to similar infractions? Is it a felony?

EO Shahan answered that she did no look that up, so she does not have an answer.

Dr. Nishimoto stated that he has a comment about the fine amount on the senate bill, its only \$500, these days that's not much money as a fine.

EO Shahan stated that the \$500 fine is what is currently in our 471-15 for a misdemeanor.

Dr. Wood stated that somewhere between \$500 and \$6,000 might be appropriate. \$10,000 is too high, and five years' imprisonment. She believes the House bill is aggressive. In addition to that, on page 5, it talks about cropping or docking as customarily practiced when a veterinarian performs this procedure. Again, she has no problem with the cropping, but believes that docking needs to be done by a licensed veterinarian.

Dr. Nishimoto stated that it depends on the definition of docking and the age.

Dr. Wood stated that she would leave it with the language it has now, that you cannot perform surgery if you're not a licensed veterinarian. The Senate bill does not address that. It talks about the disposition and the implements of tools.

EO Shahan stated that a google search indicated that California has misdemeanors and felonies for animal cruelty, depending on the level of the abuse.

Ms. Wada state that the House bill that mentions felony should be made clearer. Whether it is malpractice without a license, or animal cruelty.

EO Shahan stated that page 2 line 4 through 10 on the Senate Bill is what will be considered a felony.

Chair Chock stated she didn't know if other states specify a dollar amount in their statues or if they leave it up to the agency that would decide what the fines will be.

EO Shahan stated that usually when there is a dollar amount in the statue, it gives RICO a perimeter. Though this is saying it's a felony, that's criminal, the Board can't say that someone has convicted a felony. The statue can say this is the law, it's a class c felony if someone does these things. Then the court will impose either the misdemeanor or the felony.

Chair Chock stated that it is capped right now. She stated that it would be better to suggest a minimum rather than a cap for the dollar amount.

EO Shahan stated that she thinks "not to exceed" is a standard as listing a "minimum would mean a fine could go as high as they want for the maximum.

Dr. Nishimoto stated that he would be favorable with raising the fine. He asked if EO Shahan can check other state boards or AAVSB to see other state penalties.

EO Shahan answered will do the research.

Dr. Wood stated she thinks finding out what other states do would be helpful.

Dr. Nishimoto stated in his opinion, \$500 is too low for the misdemeanor and would like to suggest a higher amount. He believes the felony looks like it might be excessive but would take the standards in other states into consideration.

EO Shahan stated that there is no felony in the Senate bill. There is only felony language in the House bill.

Ms. Wada stated that the House bill is really pushing that. The only thing she can think of is that they want to make it where people would think twice before committing some of these, it is not for the good honest dog raising breeding programs. She thinks it is meant for those who do not care and are just doing violations. Since we do not have any laws in effect, they can get away with it. The nice, good guys, more or less abide. These laws are meant for those few, unfortunately small percentage that are not following the law. You're talking about animal cruelty, puppy mills, that sort of thing. That is the difficult part, it's not for the public, it's for the specific percentage of animal owners that are not abiding.

Chair Chock asked Dr. Nishimoto, to clarify, to find out what other states are doing, you want to see what they have for misdemeanor and felony? If they have a felony type of convictions in their statues for their state? Is that what you want EO Shahan to look at for both, both types of convictions, misdemeanors, and felonies?

Dr. Nishimoto answered that he does not have a problem with misdemeanor as it stands. He is just wondering if its fair or appropriate that we bump it up to a felony.

EO Shahan stated that a felony would be only for those items listed on page 2, and we already told them we prefer them to take out the tail docking, and it's for dogs. So, if someone did any of these other things on a dog, except for tail docking, it would be a felony. So, these surgical, except for that last one, elastration,

**B. SB2562\_Dogs; Surgery; Prohibited**

EO Shahan reported that this bill seeks to prohibit animal owners and their employees from performing any surgical procedures on the owner's dog or dogs. Discussion included with HB 1527.

**C. SB3262\_Relating to Veterinarians**

Renames the John A. Burns School of Medicine special fund as the physician and veterinarian special fund. Expands the authorized uses of the special fund to include providing loan repayments to veterinarians and scholarships for students attending a veterinary college; provided that the recipient commits to work in the State for a period of time determined by the Hawai'i Board of Veterinary Medicine. Requires the Hawai'i Board of Veterinary Medicine to establish a loan repayment and scholarship program. Assesses a fee on persons obtaining or renewing a veterinarian license. Provides for the deposit of the fee into the physician and veterinarian special fund. Appropriates moneys into and out of the physician and veterinarian special fund. Declares that the appropriation exceeds the state general fund expenditure ceiling.

Dr. Wood suggested that while the Board supports the intent of the bill, its position should be to oppose the bill it proposes that the Board engage in activities which exceed the Board's capacity and which are outside the scope of the Board's mandate.

Dr. Nishimoto stated that by assessing a fee on applicants, individuals in need of the suggested scholarships would be placed in greater financial need. He further stated that there is a n

agreement to provide “In-state” or reduced tuition for students through the Western Interstate Commission for Higher Education (WICHE) program.

It was determined that the Board’s testimony should include a suggestion for a working group or further investigation.

Hold Over from 2023 Legislature

EO Shahan stated that the Board was tracking these bills during the last Legislative session and would continue to do so.

D. HB1512 HD1\_Relating to Liability

Limits the civil liability of good Samaritans who render emergency nonmedical care and emergency nonmedical assistance to animals during an emergency. Effective 6/30/3000. (HD1)

E. HB220 HD1\_Relating to the Spaying and Neutering of Animals

Establishes a Spay and Neuter Special Fund. Allows funds from an income tax check-off to be deposited into the Spay and Neuter Special Fund. Appropriates funds. Effective 6/30/3000. (HD1)

F. SB998\_Relating to the Spaying and Neutering of Animals

Establishes a Spay and Neuter Special Fund. Allows funds from an income tax check-off to be deposited into the Spay and Neuter Special Fund. Appropriates funds.

Board Basics & Beyond:

Kansas City, Missouri: April 12 – 13, 2024

Following discussion and deliberation it was determined that Chair Chock would attend Board Basics & Beyond.

Next Meeting:

Wednesday, March 13, 2024

10:00 a.m.

Videoconference Meeting Zoom Webinar – (TBD)

In-Person  
Location:

Queen Liliuokalani Conference Room Meeting  
King Kalakaua Building  
335 Merchant Street, 1st Floor Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss at this time, the meeting was adjourned at 11:49 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kerrie Shahan

/s/ Kai Cockett

---

Kerrie Shahan  
Executive Officer

---

Kai Cockett  
Secretary

KS: kc

03/06/2024

Minutes approved as is.

Minutes approved with changes. See minutes of June 19, 2024