
A BILL FOR AN ACT

RELATING TO SERVICE ANIMALS.

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

1 SECTION 1. The legislature finds that the Americans with
2 Disabilities Act, along with the Fair Housing Act, allows those
3 with disabilities to be accompanied by a service or emotional
4 support animal in places where animals are not normally allowed.
5 Although emotional support animals are not considered service
6 animals under the Americans with Disabilities Act they are
7 considered as such under the Fair Housing Act.

8 The legislature also finds that current federal law only
9 allows two questions to be asked of support animal owners:

10 (1) Is this a service animal?

11 (2) What task does this service animal provide?

12 No request for documentation is allowed unless the owner is
13 asking for a housing-related accommodation.

14 Associations of Apartment Owners and Homeowners
15 Associations that have restrictions, or prohibitions, on pets
16 are allowed to ask for verification of a service or emotional
17 support animal. The verification can be a letter from a medical



1 provider or a form provided by the association and filled out by
2 the medical provider. If the pet-owner provides such
3 verification, no further documentation can be requested and the
4 pet is allowed.

5 The legislature also finds that many of Hawaii's
6 condominiums place restrictions on pets, or prohibit them
7 entirely. However, if a person has a service or emotional
8 support animal the animal is allowed even in a no-pet building.
9 Consequently, there are increasing reports of fraud and abuse in
10 declaring pets to be service or emotional support animals in
11 order to circumvent pet policies, leaving associations powerless
12 to enforce their rules.

13 Accordingly, the purpose of this Act is to establish
14 penalties for those who make false representations regarding
15 service, or emotional support, animals to deter people from
16 using fraud to circumvent Associations of Apartment Owners' and
17 Homeowners Associations' rules.

18 SECTION 2. Section 347-2.5, Hawaii Revised Statutes, is
19 amended by amending the definition of "service dog" to read as
20 follows:



1 **"§347-2.5 Service dog, defined.** As used in this chapter,
 2 "service dog" means any dog that is individually trained to do
 3 work or perform tasks for the benefit of an individual with a
 4 disability, including a physical, sensory, intellectual, or
 5 other mental disability. [~~A companion or comfort animal is not
 6 a service dog unless it meets the requirements of this
 7 definition and it accompanies a person for the purpose of
 8 performing the work or tasks for which it has been trained.]"~~

9 SECTION 3. Chapter 347, Hawaii Revised Statutes, is
 10 amended by adding a new section to be appropriately designated
 11 and to read as follows:

12 **"§347- Emotional support animal, defined.** As used in
 13 this chapter, "emotional support animal" means any animal that a
 14 medical professional has determined provides therapeutic benefit
 15 for an individual with a disability.

16 SECTION 4. Chapter 708, Hawaii Revised Statutes, is
 17 amended by adding a new section to be appropriately designated
 18 and to read as follows:

19 **"§708- Misrepresenting the use of a disability animal.**

20 (a) A person commits the offense of misrepresenting the use of
 21 a disability animal if the person knowingly and willfully



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1 misrepresents themselves, through conduct or verbal or written
2 notice, as being disabled in an attempt to receive the benefits
3 and protections afforded under federal or State law for the use
4 of a service animal or an emotional support animal.

5 (b) Misrepresenting the use of a disability animal is a
6 misdemeanor."

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

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

10

INTRODUCED BY:

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BIR

JAN 25 2017



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Report Title:

Service Animals; Emotional Support Animals; Misrepresentation

Description:

Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service, or emotional support, animal.

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

