

STAND. COM. REP. NO.

849

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 334
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 334, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ASSISTANCE ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Codify the administrative rule definition of "assistance animal";
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for an assistance animal; and
- (3) Specify that possession of a vest or other distinguishing garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute a valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committee received testimony in opposition to this measure from Hawaiian Properties, Ltd.; and one individual. Your Committee received



comments on this measure from the Disability and Communication Access Board and Hawai'i Civil Rights Commission.

Your Committee finds that Act 217, Session Laws of Hawaii 2018, narrowed the definition of "service animal" to mean "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability" and requires that the work or tasks performed by the service animal relate directly to the individual's disability. Your Committee further finds that the Americans with Disabilities Act includes a broader term "assistance animal", which is used under the federal and state fair housing laws, and includes a wider category of animals who provide support, including emotional support animals and service animals. Your Committee additionally finds that "assistance animal" is defined under the State's administrative rules, but not in statute. This measure will codify the definition of "assistance animal" and bring state law into closer conformity with the federal Americans with Disabilities Act.

Your Committee has amended this measure by:

- (1) Clarifying that a housing provider may request verification to be provided by a person with a disability to establish the disability-related need for a specific assistance animal rather than an assistance animal in general; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 334, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

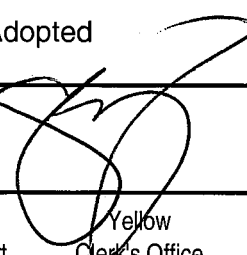
Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 334, SD1	CPH, JDC	2/22/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes