

JAN 21 2022

A BILL FOR AN ACT

RELATING TO SERVICE ANIMALS.

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

1 SECTION 1. The legislaure finds that while existing law
2 makes it a civil violation to knowingly misrepresent as a
3 service animal any animal that does not meet the requirements of
4 a service animal, information about what animals qualify as
5 service animals and as emotional support animals is not well-
6 known. This can lead to confusion when a person acquires an
7 animal that although benefiting the person does not meet the
8 criteria for a service animal. A service animal is defined in
9 state law to mean any dog that is individually trained to do
10 work or perform tasks for the benefit of an individual with a
11 disability, including a physical, sensory, psychiatric,
12 intellectual, or other mental disability. Service animals enjoy
13 specific privileges that other animals do not, specifically that
14 the service animal and their human partner must be accommodated
15 in public places.

16 The legislaure further finds that making persons who obtain
17 emotional support animals aware that the animals do not qualify



1 as service animals can be accomplished by requiring the persons
2 and businesses that sell or provide the animals for use as
3 emotional support animals to provide written notice stating that
4 the animals do not have the training required to qualify as
5 service animals, are not entitled to the rights and privileges
6 accorded by law to service animals, and that knowingly
7 misrepresenting the animals as service animals is unlawful. It
8 is crucial that this disclaimer also be provided when persons
9 purchase certificates, identifications, tags, vests, leashes,
10 and harnesses for emotional support animals.

11 The purpose of this measure is to require that a disclaimer
12 be provided by sellers or providers of emotional support animals
13 or certificates, identifications, tags, vests, leashes, and
14 harnesses for emotional support animals that the animal is not a
15 service animal.

16 SECTION 2. Chapter 347, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§347- Emotional support animals; disclaimer that animal
20 is not a service animal; civil penalty. (a) A person or
21 business that sells or provides an animal for use as an



1 emotional support animal shall provide written notice to the
2 buyer or recipient of the animal that states the following:

3 (1) The animal does not have the special training required
4 to qualify as a service animal;

5 (2) The animal is not entitled to the rights and
6 privileges accorded by law to a service animal; and

7 (3) Knowingly misrepresenting as a service animal any
8 animal that does not meet the requirements of a
9 service animal, as defined in section 347-2.5, is a
10 violation of section 347-2.6.

11 (b) A person or business that sells or provides a
12 certificate, identification, tag, vest, leash, or harness for an
13 emotional support animal shall provide written notice to the
14 buyer or recipient that states the following:

15 (1) The item does not entitle an emotional support animal
16 to the rights and privileges accorded by law to a
17 service animal; and

18 (2) Knowingly misrepresenting as a service animal any
19 animal that does not meet the requirements of a
20 service animal, as defined in section 347-2.5, is a
21 violation of section 347-2.6.



1 (c) The written notices described in subsections (a) and
2 (b) shall be made in at least 12-point bold type and shall be
3 provided on the receipt for the emotional support animal or the
4 product described in subsection (b), or on a separate piece of
5 paper that is attached to the receipt.

6 (d) Upon a finding of a preponderance of the evidence, a
7 person who violates subsection (a) or (b) shall be fined not
8 less than \$100 and not more than \$250 for the first violation,
9 and not less than \$500 for a second violation and each violation
10 thereafter.

11 (e) Nothing in this section shall preclude any other civil
12 remedies available to a person, entity, or other organization
13 arising from misrepresentation by another person of a service
14 animal."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: _____



S.B. NO. 2438

Report Title:

Deaf and Blind Task Force; Emotional Support Animal; Disclaimer;
Service Animal; Penalties

Description:

Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. Establishes penalties.

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

