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



1           The legislature further finds that making persons who  
2 obtain emotional support animals aware that the animals do not  
3 qualify as service animals can be accomplished by requiring any  
4 person or business that sells or provides the animals for use as  
5 emotional support animals to deliver a written disclaimer  
6 stating that the animals do not have the training required to  
7 qualify as service animals, that the users are not entitled to  
8 the rights and privileges accorded by law to the users of  
9 service animals, and that knowingly misrepresenting the animals  
10 as service animals is unlawful. It is crucial that this  
11 disclaimer also be provided when persons purchase certificates,  
12 identifications, tags, vests, leashes, and harnesses that  
13 identify an animal as an emotional support animal.

14           The purpose of this Act is to require that sellers or  
15 providers of emotional support animals, and sellers or providers  
16 of certificates, identifications, tags, vests, leashes, and  
17 harnesses that identify an animal as an emotional support  
18 animal, also provide a disclaimer that an emotional support  
19 animal is not a service animal under state law.



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

4 "§347- Emotional support animals; disclaimer that animal  
5 is not a service animal; civil penalty. (a) Any person or  
6 business that sells or provides an animal for use as an  
7 emotional support animal shall provide written notice to the  
8 buyer or recipient of the animal that states the following:

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

11 (2) The user of an emotional support animal is not  
12 entitled to the rights and privileges accorded by law  
13 to the user of a service animal; and

14 (3) Knowingly misrepresenting as a service animal any  
15 animal that does not meet the requirements of a  
16 service animal, as defined in section 347-2.5, is a  
17 violation of section 347-2.6.

18 (b) A person or business that sells or provides a  
19 certificate, identification, tag, vest, leash, or harness that  
20 identifies an animal as an emotional support animal shall



1 provide written notice to the buyer or recipient that states the  
2 following:

3 (1) The item does not entitle the user of an emotional  
4 support animal to the rights and privileges accorded  
5 by law to the user of a service animal; and

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

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

15 (d) Upon a finding of a preponderance of the evidence, a  
16 person who violates subsection (a) or (b) shall be fined not  
17 less than \$100 and not more than \$250 for the first violation,  
18 and not less than \$500 for a second violation and each violation  
19 thereafter.

20 (e) Nothing in this section shall preclude any other civil  
21 remedies available to a person, entity, or other organization



1 arising from misrepresentation by another person of a service  
2 animal."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2050.



**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 identifying an animal as an emotional support animal that the animal is not a service animal. Establishes penalties. Effective 7/1/2050. (SD1)

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

