

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 612  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 612 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that a disclaimer be provided by a seller or provider of an emotional support animal that the animal is not a service animal;
- (2) Require that a disclaimer be provided by a seller or provider of certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the item does not entitle an emotional support animal to the rights and privileges accorded to a service animal; and
- (3) Establish penalties for violations of these requirements.

Your Committee received testimony in support of this measure from the Department of Human Services and one individual. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission, American Kennel Club, and two individuals.



Your Committee finds that purchasers of emotional support animals often mistakenly believe that they will be afforded the same rights and privileges as the users of service animals. A service animal is defined in existing law 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. An emotional support animal does not have the same specialized training and thus emotional support animals and their owners are not required to be accommodated in public places like service animals and their human partners. Your Committee finds that to avoid this confusion, the purchase of emotional support animals and items identifying animals as emotional support animals, such as certificates, identifications, tags, and other items, should be accompanied by disclaimers that their emotional support animal is not a service animal. This measure requires sellers or providers of emotional support animals and sellers or providers of certificates, identifications, tags, vest, leashes, and harnesses identifying the animal as an emotional support animal, to provide the purchaser with a disclaimer that an emotional support animal is not a service animal under state law.

Your Committee acknowledges the testimony of the Hawaii Civil Rights Commission and American Kennel Club, who both raised concerns that this measure as currently written, inaccurately states that service animals have certain rights and privileges when it is in fact a person with disabilities who has the right to reasonable accommodation. Amendments to this measure are therefore necessary to address this concern.

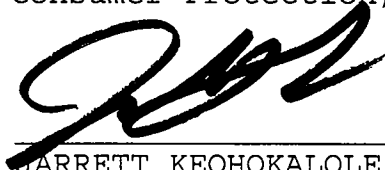
Accordingly, your Committee has amended this measure by:

- (1) Inserting language that clarifies that a user of a service animal, rather than the service animal itself, has certain rights and privileges;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 612, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 612, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



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GARRETT KEOHOKALOLE, Chair



