
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. State
10 and federal civil rights laws provide for the right of persons
11 with disabilities to reasonable accommodation. The use of a
12 service animal is the reasonable accommodation for a person with
13 a disability, whereas emotional support animals cannot be used
14 as a form of reasonable accommodation. This can lead to
15 confusion when a person acquires an animal that, although
16 benefiting the person, does not meet the criteria for a service
17 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, are not entitled to the reasonable
8 accommodations accorded by law to individuals with disabilities
9 who use service animals, and that knowingly misrepresenting the
10 animals as service animals is unlawful. It is crucial that this
11 disclaimer also be provided when persons purchase certificates
12 or identifications for emotional support animals.

13 The purpose of this Act is to require that sellers or
14 providers of emotional support animals, and sellers or providers
15 of certificates and identification tags for emotional support
16 animals, also provide a disclaimer that an emotional support
17 animal is not a service animal under state law.

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



1 "§347- Emotional support animals; disclaimer; civil
2 penalty. (a) Any person or business that sells or provides an
3 animal for use as an emotional support animal shall provide
4 written notice to the buyer or recipient of the animal that
5 states the following:

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

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

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

14 (b) A person or business that sells or provides a
15 certificate or identification tag for an emotional support
16 animal shall provide written notice to the buyer or recipient
17 that states the following:

18 (1) The item does not entitle an emotional support animal
19 to the rights and privileges accorded by law to a
20 service animal; and



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

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

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

15 (e) Nothing in this section shall preclude any other civil
16 remedies available to a person, entity, or other organization
17 arising from misrepresentation by another person of a service
18 animal."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

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

Description:

Requires that a written disclaimer be provided by sellers or providers of emotional support animals or certificates or identification tags for emotional support animals that the animal is not a service animal or the item does not qualify as an item for a service animal and that knowingly misrepresenting an emotional support animal may be a violation. Establishes penalties. Effective 6/30/3000. (HD1)

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