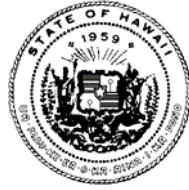


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



RYAN I. YAMANE  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
KA 'OIHANA MĀLAMA LAWELawe KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

February 1, 2025

TO: The Honorable Senator Jarrett Keohokalole, Chair  
Senate Committee on Commerce and Consumer Protection

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 1493 – RELATING TO SERVICE ANIMALS.**

Hearing: Tuesday, February 4, 2025, 9:35 a.m.  
Conference Room 229 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the bill, provides comments, and defers to the Hawaii Civil Rights Commission, the Disability & Communication Access Board, and the Department of the Attorney General.

**PURPOSE:** This bill requires sellers or providers of emotional support animals, and sellers or providers of certificates and identification tags for emotional support animals, to provide customers or recipients with a disclaimer stating that an emotional support animal is not a service animal under state law and misrepresenting one as a service animal is a violation of law subject to penalties.

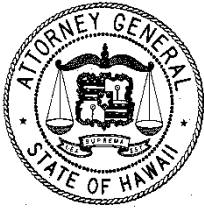
DHS appreciates the intent of the measure, as animals that are not properly trained can, at the very least, present a distraction to, and in many cases endanger the health and safety of, individuals with disabilities and their fully trained service animals.

Requiring the persons and businesses who sell or provide animals for use as emotional support animals, as well as those who sell certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals, to provide signage or written notice to customers or

recipients with the information and or a disclaimer stating that the animals do not have the training required to qualify as service animals, that the user of an emotional support animal is not entitled to the same rights and privileges accorded by law to the user of a service animal; and that knowingly representing as a service animal any animal that does not meet the requirements of a service animal, as defined in section 347-2.5, Hawaii Revised Statutes (HRS), is a violation of section 347-2.6, HRS.

Recall that section 347-2.5, HRS, only recognizes dogs as service animals.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1493, RELATING TO SERVICE ANIMALS.

**BEFORE THE:**

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

**DATE:** Tuesday, February 4, 2025 **TIME:** 9:35 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lee-Ann N.M. Brewer, Deputy Attorney General

---

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill, as stated in section 1, page 1, lines 14-17, is to address "confusion" arising from the fact that service animal statutes do not extend to emotional support animals. This "confusion" may lead users of emotional support animals to mistakenly expect the same rights and privileges as users of service animals. To address this perceived problem, section 2 of the bill proposes requiring sellers or providers of emotional support animals to furnish written notice, with a receipt, explaining that: (1) the emotional support animal is not trained as a service animal; (2) the emotional support animal is not entitled to the rights and privileges accorded by law to a service animal; and (3) knowing misrepresentation of an emotional support animal that does not meet the definition of a service animal under section 347-2.5, Hawaii Revised Statutes (HRS), is subject to a civil penalty under section 347-2.6, HRS.

The bill imposes a similar requirement on sellers or providers of certificates or identification tags for an emotional support animal. The required notice must say that: (1) the certificate or identification tag for an emotional support animal does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal; and (2) knowing misrepresentation of an emotional support animal that does not meet the definition of a service animal under section 347-2.5 is subject to a civil penalty under section 347-2.6, HRS.

This bill may be subject to challenge under the Commerce Clause of the U.S. Constitution (Article I, Section 8, clause 3), which provides that Congress shall have the power to "regulate Commerce . . . among the several States." Because this bill applies not only to in-state retailers, but to out-of-state and online retailers, it could be seen as placing an undue burden on interstate commerce. "Even if a statute regulates "evenhandedly," and imposes only "incidental" burdens on interstate commerce, the court must nevertheless strike it down if "the burden imposed on such [interstate] commerce may be deemed to be clearly excessive in relation to the putative local benefits.'" *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 471-472 (1981) (finding statute banning retail sale of milk in plastic containers did not discriminate against interstate commerce and burden imposed is relatively minor) (quoting *Pike v. Bruce Church Inc.*, 397 U.S. 137, 142 (1970)). "The extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities." *Id.*

In this case, the issue appears to be that users of emotional support animals are either mistakenly or intentionally misrepresenting their animals as service animals with the expectation that they are entitled to the same rights and privileges as users of service animals, notwithstanding the statutes governing service animals in Hawai'i. However, the extent of this confusion is unclear from the bill. Requiring all out-of-state and online retailers that sell or provide emotional support animals, certifications, or identification tags to include the specific written notices on receipts may be deemed excessive to address this public awareness problem and could, therefore, violate the Commerce Clause. An alternative approach to increasing public awareness on this matter may be more advisable.

Even if the bill withstands constitutional scrutiny, it lacks an enforcement mechanism, making it likely ineffective in achieving the bill's goals. If the Committee decides to pass this bill with the proposed notice requirements, we recommend clarifying the enforcement mechanism. We also recommend the following revisions (in bold) for clarification:

On page 3, lines 11-12, amend §347-\_\_(a)(2) to read as follows:

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

On page 3, lines 17-20, amend §347-\_\_(b), to read as follows:

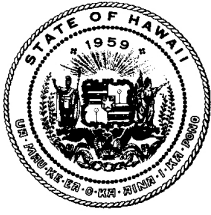
(b) A person or business that sells or provides a certificate or identification tag **[for] that identifies an animal as** an emotional support animal shall provide written notice to the buyer or recipient that states the following:

On page 4, lines 1-3, amend §347-\_\_(b)(1) to read as follows:

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

We respectfully request that if this Committee passes the bill, the proposed revisions be incorporated to enhance clarity and enforceability.

Thank you for the opportunity to testify on this bill.



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 4, 2025

**LATE**

### TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

#### Senate Bill 1493 – Relating to Service Animals

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 1493 – Relating to Service Animals. This bill requires sellers or providers of emotional support animals to provide written notice to the buyers or recipients that the animal does not have the special training required to qualify as a service animal; the animal is not entitled to the rights and privileges accorded by law to a service animal; and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a service animal is a violation of law. It requires sellers or providers of certificates or identification tags for emotional support animals to provide written notice to the buyers or recipients that the item does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a service animal is a violation of law, and establishes penalties.

Misunderstanding and misrepresentations of emotional support animals (ESA) and service animals are a persistent issue. This is partially due to various disability-related laws having different definitions and providing unique processes to establish an animal as either an ESA or a service animal. The public educational aspect of this bill will help to reduce the occurrence of animals improperly misrepresented as service animals.

The bill does not specify an agency responsible for enforcement, which may limit its effectiveness. In contrast, Washington State has a similar law that explicitly authorizes “enforcement officers” to issue citations for violations. To enhance the bill’s impact, the Committee may consider amending it to designate a specific agency for enforcement.

DCAB recommends amending the bill to require professionals who provide reliable documentation confirming a client’s disability and disability-related need for an ESA, as permitted under the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) Title I, to also provide the notice. DCAB also recommends amending the bill to require sellers of paraphernalia such as certificates, vests, and identification cards for ESAs and service animals to provide notice stating that these items do not establish an animal as either an ESA or a service animal.

DCAB suggests replacing Sections 1 and 2 of the bill in their entirety with the following:

SECTION 1. The legislature finds that existing law that makes it a civil violation to knowingly misrepresent as a service animal any animal that does not meet the statutory requirements of a service animal. However, information about what animals qualify as service animals or emotional support animals and what legal status certificates, vests and identifications confer is not well-known and should be provided to individuals. The Americans with Disabilities Act Title II (state and local government) and Title III (places of

public accommodation) regulations define a 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. The Americans with Disabilities Act Title I (employment) does not have a similar definition but requires employers to make reasonable accommodations for an employee or job applicant with a disability which could be allowing the individual to use a service animal or an emotional support animal. The Federal Fair Housing Act defines an assistance animal as an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. State law conforms with these laws.

The legislature further finds that individuals who obtain emotional support animals should be made aware that these animals do not qualify as service animals. To address this, any person or business that sells or provides emotional support animals, or issues verification that an emotional support animal is needed to alleviate one or more symptoms of a person's disability, must include a written disclaimer stating that emotional support animals lack the training required to qualify as service animals, are not entitled to the legal accommodations provided to service animals under disability laws, and that knowingly misrepresenting them as service animals is unlawful. Additionally, when individuals purchase items such as certificates, vests, or identification tags, a disclaimer must clarify that these items do not establish that an animal meets the legal definition of a service animal. The purpose of this Act is to require sellers or providers of emotional support animals, as well as those issuing verifications for assistance animals, to provide a disclaimer explicitly stating that emotional support animals are not recognized as service animals under state law. Furthermore, sellers or providers of certificates, vests, or identification tags for service or emotional support animals must include a disclaimer indicating that these items cannot be used to establish an animal as a service animal under the law.

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

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

- (1) The animal does not have the special training required to qualify as a service animal;
- (2) The animal is not entitled to the rights and privileges accorded by law to a service animal; and
- (3) Knowingly misrepresenting as a service animal any animal that does not meet the requirements of a service animal, as defined in section 347-2.5, is a violation of section 347-2.6.

(b) A person or business who provides verification of the disability related need for an emotional support animal shall provide written notice to the buyer or recipient that states the following:

- (1) The verification cannot be used to establish an animal as a service animal.
- (2) The animal is not entitled to the rights and privileges accorded by law to a service animal; and
- (3) Knowingly misrepresenting as a service animal any animal that does not meet the requirements of a service animal, as defined in section 347-2.5, is a violation of section 347-2.6.

(c) A person or business that sells or provides a certificate, vest, or identification tag for an emotional support animal or a service animal shall provide written notice to the buyer or recipient that states the following:

- (1) The item cannot be used to establish an animal as an emotional support animal or a service animal.
- (2) Knowingly misrepresenting as a service animal any animal that does not meet the requirements of a service animal, as defined in section 347-2.5, is a violation of section 347-2.6.

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

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

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

Thank you for considering our testimony.

Respectfully submitted,



KIRBY L. SHAW  
Executive Director

**SB-1493**

Submitted on: 1/31/2025 12:46:02 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Fukuhara	Testifying for Hawaii Fi-Do Service Dogs	Support	Written Testimony Only

Comments:

Testimony on S.B. 1493

Hearing: February 4, 2025

**RELATING TO SERVICE ANIMALS**

Chair Keohokalole, Vice Chair Fukunaga and members of the Committee. My name is Dara Fukuhara and I'm the board president of Hawaii Fi-Do Service Dogs. I also am an individual with a disability and I'm currently training a puppy to become my service dog. I am testifying in support of this bill. The purpose of this bill is to impose penalties for the fraudulent and subsequent misrepresentation of emotional support dogs (ESA) as service dogs.

When Hawaii's public accommodation law was amended several years ago to make it clear that ESAs are not service dogs, many service dog owners testified about how businesses were becoming skeptical of representations that a service animal was a legitimate service animal. This bill will curb misrepresentations.

As a service dog organization, our mission is to educate the community about service dogs and the federal and state laws, especially to businesses. We are also advocates for our clients to protect them from these fraudulent "service" dogs. These fake service dogs can also put our legitimate service dogs in danger when in public by distracting or attacking our dogs.

ESAs are NOT service animals. Under the ADA, a service animal is a dog that has been individually trained to perform tasks for an individual with a disability. ESAs are not service animals under the ADA and are not trained to perform specific acts related to a person's disability.

Instead, the owner of an ESA derives a sense of wellbeing, fulfillment, companionship, or lessened anxiety with the presence of the animal. Some businesses are selling various misleading ESA-related certificates and merchandise that inaccurately imply that ESAs do have the same legal rights and privileges as service dogs. Items generally include vests, tags, patches, holographic identification cards, and certificate documents prominently featuring the words "Emotional Support Animal" and in some instances "ESA, Protected Under Federal Law," which can imply that ESAs wearing such accessories are granted the same rights as service dogs.

ESAs do not enjoy the same legal privileges as trained service dogs: for example, while federal and state law require that service dogs be allowed to accompany their human partner in public places, ESAs on the other hand do not have to be accommodated.

This bill will help to curb misrepresentation by people their Emotional Support Animal is a service dog. I respectfully request that this committee move this bill.

Thank you for the opportunity to testify.

Respectfully submitted,

Dara Fukuhara

**SB-1493**

Submitted on: 1/31/2025 3:07:11 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Testifying for Hawaii First Realty	Support	Written Testimony Only

Comments:

SUPPORT. Abuse needs to stop.



745 Fort St. Mall  
17<sup>th</sup> Floor  
Honolulu, HI 96815

808-521-9500  
NFIB.com

**LATE**

February 1, 2025

TO: Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Members of the Committee on Commerce  
and Consumer Protection

FR: Michael Iosua, State Director  
NFIB, Hawaii Chapter

RE: **SUPPORT** OF SB 1493 – RELATING TO SERVICE ANIMALS

Hearing date: February 4, 2025, at 9:35 AM

Aloha Chair Keohokalole. Vice Chair Fukunaga and members of the committees,

Mahalo for the opportunity to submit testimony on behalf of NFIB's Hawaii Chapter in **SUPPORT** of SB 1493 – RELATING TO SERVICE ANIMALS. NFIB is a nonprofit, nonpartisan, and member-driven organization exclusively dedicated to small and independent businesses. With members in all four counties, NFIB's Hawaii chapter advocates on issues that affect Hawaii's small and independent business owners.

SB1493, seeks to enhance public understanding of the distinction between service animals and emotional support animals (ESAs) by requiring written disclaimers from sellers and providers of ESAs and ESA-related identification materials.

Service animals are individually trained to perform specific tasks for individuals with disabilities under the ADA and defined under Hawaii state and federal laws. While emotional support animals can provide significant comfort and companionship, they do not undergo the specialized training required of service animals and are not entitled to the same legal protections and accommodations. Unfortunately, there is widespread misunderstanding among the public regarding these distinctions, leading to increased incidents of misrepresentation of ESAs as service animals. This misrepresentation can create significant challenges for individuals who rely on properly trained service animals for their daily activities.

SB 1493 addresses this issue by requiring sellers and providers of ESAs and ESA-related certification products to provide clear disclaimers informing buyers that ESAs do not qualify as service animals. These notifications would improve public awareness of the legal distinctions between service animals and ESAs and reduce instances of ESA misrepresentation, ensuring that service animal users do not face undue skepticism or discrimination. This is also helpful in allowing retail store fronts and other businesses in distinguishing between the two classes of animals, and promote responsible practices among businesses.

The penalties outlined in this bill are reasonable and necessary to ensure compliance while serving as a deterrent to misrepresentation. Furthermore, this legislation does not infringe upon the rights of individuals to own or utilize ESAs; rather, it ensures that ESA owners are fully informed about their legal status.

For these reasons NFIB Hawaii respectfully urges this committee to pass SB 1493.



February 4, 2025

**LATE**

**The Honorable Jarrett Keohokalole, Chair**

Senate Committee on Commerce and Consumer Protection  
State Capitol, Conference Room 229 & Videoconference

**RE: Senate Bill 1493, Relating to Service Animals**

**HEARING: Tuesday, February 4, 2025, at 9:35 a.m.**

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments** on Senate Bill 1493, which requires sellers or providers of emotional support animals to provide written notice to the buyers or recipients that the animal does not have the special training required to qualify as a service animal; the animal is not entitled to the rights and privileges accorded by law to a service animal; and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a service animal is a violation of law. Requires sellers or providers of certificates or identification tags for emotional support animals to provide written notice to the buyers or recipients that the item does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a service animal is a violation of law. Establishes penalties.

Hawai'i REALTORS® are committed to upholding fair housing law, including those governing service and emotional support animals. These provisions often remain the most difficult process for those seeking to follow fair housing law properly.

Websites that sell service animal vests, registration documents, or other items could confuse a consumer into thinking that it qualifies their animal as an assistance animal. As such, HAR believes that these disclosures would provide added clarity that these items are not valid verification.

Mahalo for the opportunity to provide testimony on this measure.

Testimony of Virgil Stinnett

**LATE**

Senate Commerce and Consumer Protection (CPN) Committee

Thirty-third legislature, 2025 regular session

February 4, 2025, 9:35 am, hearing on SB1493

Good morning, Chair, Vice Chair, and members. My name is Virgil Stinnett, President of the National Federation of the Blind of Hawaii, supporting SB1493, providing penalties for fraudulent misrepresentation of emotional support animals as service animals.

Having been a handler of 2 guide dogs in my past, I am only too familiar with the potential and even at times very life hazardous situations as well as misperceptions and confrontations by comfort support animal owners who believe they have legal rights equal to those of a handler of a service animal.

It is critical we establish a well-defined difference with penalties. The overwhelming use of a support or comfort animal as if it is a true service animal has gone on too long. It causes true service animals and their handlers too many problems, and needs to stop.

Service animals provide a true service for people with disabilities. Service animals provide a specific highly trained duty a task specific to the needs of their handler. The time and dollars invested in a true service animal begins at birth and before it ever is given to the individual with the disability, often over 18 months of training by a certified service animal school, and tens of thousands of dollars, often upwards of \$60,000.

The National Federation of the Blind of Hawaii strongly supports this bill passing into law.

Mahalo for your consideration and moving this bill forward.

**LATE**

**SB-1493**

Submitted on: 2/3/2025 11:07:04 AM

Testimony for CPN on 2/4/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	Testifying for National Organization of Parents of Blind Children	Support	Written Testimony Only

Comments:

Aloha committee! My name is Tabatha Mitchell. I live in Kane'ohe, and I am a mother of a blind child. I am a public health professional, a business owner, and I serve as a Board Member on the National Organization of Blind Children. I am also the founding President of the Hawai'i Organization of Parents of Blind Keiki (Children).

I have 5 children, and two of them have emotional support cats. Both of these keiki are sighted.

As a person that has lived experience with Emotional Support Animals (ESAs) and the people and situations that give rise to their use, I am humbly asking you to please support SB1493. The widespread use of ESAs is staggering. Every third kid in colleges across the nation has an ESA. I'm guessing every therapist had increased their case loads by managing the cases from people that are seeking out ESAs. I'm a fan of ESAs. They have changed the trajectories of two of my children.

However, being raised within the blindness community, my children know the rules and definitions and laws associated with Guide Dogs, Service Animals, and ESAs. They clearly understand and respect the differences. They have stood up to friends and administrators attempting to teach the laws in place to all that have & manage ESAs. They are utterly amazed at how little they actually understand. There is no method or place of instruction or education. If there is, it is clearly not working.

I would like to propose that you expand this bill to include the therapists that make the medical recommendations for ESAs. They could have a spectacular impact at educating individuals that are seeking ESAs.

Uneducated ESA owners are the root of the problem for businesses, neighbors, and the general public. Uneducated ESA owners present a huge issue for those people that use and require Service Animals because they create confusion & frustration for business owners when they position themselves as having the same "rights" and protections of law as a Service Animal. The business owners and neighbors begin to judge Guide Dogs and Service Animals as equitable to

ESAs - which they are not. Guide Dogs and Service Animals are highly trained; which may not be the case for ESAs.

This is a huge problem that has evolved over the last few years. I thank you and I applaud you all for taking on this challenge to begin to protect the rights of those that rely on highly trained Guide Dogs and Service Animals throughout Hawai'i. Mahalo for hearing this very important bill.

**SB-1493**

Submitted on: 2/3/2025 6:16:25 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

**LATE**

**LATE**

Submitted By	Organization	Testifier Position	Testify
HCCA	Testifying for Hawaii Council of Community Associations	Support	Written Testimony Only

Comments:

Hawaii Council of Community Associations "Support" this bill.

Thank you for this opportunity to provide testimony.

Jane Sugimura, President-Hawaii Council of Community Associations (HCCA)

Raelene Tenno - Education Chair-Hawaii Council of Community Associations (HCCA)

PETER L. FRITZ  
(808)568-0077

THE SENATE  
THE THIRTY-THIRD LEGISLATURE  
REGULAR SESSION OF 2025

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Testimony on S.B. 1493  
Hearing: February 4, 2025

RELATING TO SERVICE ANIMALS

Chair Keohokalole, Vice Chair Fukunaga and members of the Committee. My name is Peter Fritz. I am an individual with a disability. I am testifying **in support** of this bill. The purpose of this bill is to impose penalties for the fraudulent and subsequent misrepresentation of emotional support dogs (ESA) as service dogs.

This bill is similar to a California law, AB468. The California law was sponsored by Guide Dogs for the Blind and Canine Companions for Independence because people misrepresenting that their pet was an ESA was causing people to question people with legitimate service animals. When Hawaii's public accommodation law was amended several years ago to make it clear that ESAs are not service dogs, many service dog owners testified about how businesses were becoming skeptical of representations that a service animal was a legitimate service animal. This bill will curb misrepresentations.

The justifications of the California legislature are applicable to Hawaii. The California legislature noted that there had been an increase in the fraudulent selling and subsequent misrepresenting of emotional support dogs as service dogs, including businesses now selling various misleading ESA-related certificates and merchandise that inaccurately imply that ESAs have the same legal rights and privileges as service dogs. Items generally include vests, tags, patches, holographic identification cards, and certificate documents prominently featuring the words "Emotional Support Animal" and in some instances "ESA, Protected Under Federal Law" which can imply that ESAs wearing such accessories are granted the same rights as service dogs. The provisions in this bill would make such representation a violation.

ESAs are NOT service animals. Under the ADA, a service animal is a dog that has been individually trained to perform tasks for an individual with a disability. ESAs are not service animals under the ADA. An ESA is a dog (or other animal) that is not trained to perform specific acts related to a person's disability. Instead, the owner of an ESA derives a sense of wellbeing, fulfillment, companionship, or lessened anxiety with the presence of the animal. ESAs do not enjoy the same legal privileges as trained service dogs: for example, while federal and state law require that service dogs be allowed to accompany their human partner in public places, ESAs on the other hand do not have to be accommodated

This bill will help to curb misrepresentation by people that their Emotional Support Animal is a Service Animal. I respectfully request that this committee move this bill.

Thank you for the opportunity to testify.

Respectfully submitted,

  
Peter L. Fritz

**SB-1493**

Submitted on: 1/31/2025 12:52:51 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Nerney	Individual	Support	Written Testimony Only

Comments:

SB 1493 addresses confusion about and abuse of service animal protections. The bill notes that emotional support animals are not service animals, and requires a disclaimer that will provide practical benefit. Please pass SB 1493.

Testimony of Donald Sakamoto

Senate Commerce and Consumer Protection (CPN) Committee

Thirty-third legislature, 2025 regular session

February 4, 2025, 9:35 am, hearing on SB1493

Good morning Chair, Vice Chair, and members. I am Donald Sakamoto, supporting SB1493, providing penalties for fraudulent misrepresentation of emotional support animals as service animals.."

SB1493 aims to address the issue of misrepresentation of emotional support animals as service animals. The bill mandates that sellers and providers of emotional support animals and related certificates or identification tags must inform buyers that these animals do not qualify as service animals under the law.

Mahalo, and I urge you all to prepare in having SB1493 to be passed and proceed on for this legislative session to address the issue of misrepresentation of emotional support animals as service animals. Famous "by failing to prepare, you are preparing to fail" by Benjamin Franklin.

**LATE**

**SB-1493**

Submitted on: 2/2/2025 4:42:00 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marie Kouthoofd	Individual	Support	Written Testimony Only

Comments:

My name is Marie Kouthoofd and I would like to express my support for SB1493.

I rely on my guide dog, Mango, for my safety and independence. Mango was selectively bred, and has undergone rigorous training to become a life-saving service dog. Service dogs like Mango are specially trained to assist individuals with disabilities, and the process is incredibly demanding, requiring years of training and significant financial investment.

I have nothing against emotional support animals (ESAs). Many provide comfort to their owners, but they do not have the specialized training of a service animal. The problem arises when people misrepresent ESAs as service dogs, which creates confusion and makes it harder for those of us who truly rely on service animals to be recognized and accepted in public spaces. Additionally, because ESAs are not held to the same rigorous training standards, they can sometimes behave poorly in public, further adding to the stigma and discrimination that those of us with legitimate service animals already face. The reason I feel this legislation is necessary is to protect the integrity of those with disabilities who use service animals so we don't face further discrimination due to others misrepresenting their ESAs as service animals.

This bill helps clarify that ESAs do not receive the same legal rights as service animals and that knowingly misrepresenting an animal as a service animal is illegal. It also requires sellers of ESA certifications or ID tags to disclose that these items do not grant service animal status. Furthermore, the bill enforces these requirements through written disclaimers and penalties for non-compliance.

I am in support of this bill because it helps address the issue of misrepresentation while ensuring that the rights of individuals with disabilities and their service animals are protected.

Thank you for your time and consideration.

Sincerely,

Marie Kouthoofd

**SB-1493**

Submitted on: 2/2/2025 7:41:38 PM

Testimony for CPN on 2/4/2025 9:35:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Sherry Shimizu	Individual	Support	Written Testimony Only

Comments:

Hearing

Tuesday, February 4, 2025

Time 9:35am (HST)

Hawaii State Capitol CR 229 &amp; Videoconference

Re: SB 1493 - Relating to Service Animals

February 2, 2025

Dearest Honorables Senators Keohokalole (Chair), Fukunaga (Vice Chair), and Members McKelvey, Richards, Awa of Commerce and Consumer Protection (CPN):

I am testifying today to express my very strong support for SB 1493, which will require sellers or providers of emotional support animals and relating certificates or identification tags to provide written notice to the buyers or recipients that the animal nor item does not have the special training required to qualify as a service animal and does not have the rights and privileges accorded by law to a service animal, so by misrepresenting the emotional support animal as a service animal is a violation of law and penalties are to be established under this measure.

There are limited spaces for people with Disabilities and trained service animals are vital for those who require and rely on their respective service animals to live. While I understand and respect those needing emotional support animals, the priority must be for service animals and their owners. If the emotional support animal owner feels and think their animal is vital for the life of the owner, then the owner needs to apply for a service animal licensure according to the law.

Thank you for the opportunity to testify and sincerely,  
Sherry Shimizu

**SB-1493**

Submitted on: 2/3/2025 9:19:34 AM

Testimony for CPN on 2/4/2025 9:35:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Emily Cruz	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

My name is Emily Cruz, and I am writing in support of SB1493. As a blind person, I don't personally have a guide dog, but I have close friends who do, and I've seen firsthand the discrimination they face because of businesses dealing with people falsely claiming their pets as service animals.

I had an experience at a café on the North Shore with a friend who uses a guide dog. There was a sign outside that said, "No Pets Allowed – DO NOT bring your animal in posing as a service dog." When we asked the owners about it, they told us they get a lot of people trying to pass off their pets as service animals and have even had customers harass their employees when told they couldn't bring their emotional support animals inside.

This kind of thing makes it harder for those who truly rely on service animals. It blurs the lines and causes unnecessary arguments, leading businesses to be more skeptical, which unfairly affects people with legitimate service dogs. SB1493 is important because it helps clear up these issues and ensures that people who genuinely need service animals don't face extra barriers.

I strongly urge you to pass this bill and help protect the rights of those who depend on service dogs.

Thank you for your time and consideration.