

JAN 23 2025

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 sellers or providers
14 of emotional support animals, and sellers or providers of
15 certificates and identification tags for emotional support
16 animals, to provide customers or recipients with a disclaimer
17 stating that an emotional support animal is not a service animal
18 under state law and misrepresenting one as a service animal is a
19 violation of law subject to penalties.



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 that sells or provides a certificate or identification tag for an emotional support animal shall provide written notice to the buyer or recipient that states the following:



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

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

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

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

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



S.B. NO. 1493

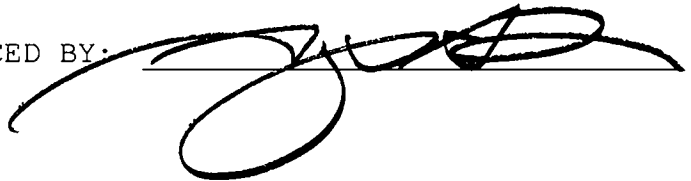
1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. J. ...", is written over a horizontal line.

S.B. NO. 1493

Report Title:

Emotional Support Animal; Disclaimer; Service Animals; Penalties

Description:

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.

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

