
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 existing law makes
2 it a civil violation to knowingly misrepresent as a service
3 animal any animal that does not meet the statutory requirements
4 of a service animal. However, information about what animals
5 qualify as service animals or emotional support animals and what
6 legal status certificates, vests, and identifications confer is
7 not well-known and should be provided to individuals. Titles II
8 and III of the Americans with Disabilities Act define a service
9 animal to mean any dog that is individually trained to do work
10 or perform tasks for the benefit of an individual with a
11 disability, including a physical, sensory, psychiatric,
12 intellectual, or other mental disability. Title I of the
13 Americans with Disabilities Act does not have a similar
14 definition but requires employers to make reasonable
15 accommodations for an employee or job applicant with a
16 disability, which could be allowing the individual to use a
17 service animal or emotional support animal. Additionally, the



1 federal Fair Housing Act defines an assistance animal as an
2 animal that works, provides assistance, or performs tasks for
3 the benefit of a person with a disability, or that provides
4 emotional support that alleviates one or more identified effects
5 of a person's disability. State law conforms with these federal
6 provisions.

7 The legislature further finds that individuals who obtain
8 emotional support animals should be made aware that these
9 animals do not qualify as service animals. To address this, any
10 person or business that sells or provides emotional support
11 animals, or issues verification that an emotional support animal
12 is needed to alleviate one or more symptoms of a person's
13 disability, is required to include a written disclaimer stating
14 that emotional support animals lack the requisite training to
15 qualify as service animals, are not entitled to the legal
16 accommodations provided to service animals under state and
17 federal disability laws, and that knowingly misrepresenting
18 emotional support animals as service animals is unlawful.

19 Additionally, when individuals purchase items such as
20 certificates, vests, or identification tags for their emotional
21 support animals, the disclaimer must clarify that these items do



1 not establish that an animal meets the legal definition of a
2 service animal.

3 Accordingly, the purpose of this Act is to require:

4 (1) Sellers or providers of emotional support animals, as
5 well as those issuing verifications of a disability
6 related need for an emotional support animal, to
7 provide a disclaimer explicitly stating that emotional
8 support animals are not recognized as service animals
9 under state law; and

10 (2) Persons or businesses that sell or provide a
11 certificate, vest, or identification tags that
12 identify an animal as an emotional support animal or
13 service animal to provide written notice to the buyer
14 or recipient that contains certain disclosures.

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

18 "§347- Emotional support animals; disclaimer; civil
19 penalty. (a) Any person or business that sells or provides an
20 animal for use as an emotional support animal shall provide



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

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

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

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

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

16 (1) The verification cannot be used to establish the
17 emotional support animal as a service animal;

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



1 (3) 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) A person or business that sells or provides a
6 certificate, vest, or identification tag that identifies an
7 animal as an emotional support animal shall provide written
8 notice to the buyer or recipient that states the following:

9 (1) The item cannot be used to establish the emotional
10 support animal as a service animal;

11 (2) The item does not entitle the user of an emotional
12 support animal to the same rights and privileges
13 accorded by law 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 (d) The written notices described in subsections (a), (b),
19 and (c) shall be made in at least twelve-point bold type and
20 shall be provided on the receipt for the emotional support



1 animal or the product described in subsection (c), or on a
2 separate piece of paper that is attached to the receipt.

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

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

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Emotional Support Animal; Disclaimer; Service Animals; Penalties

Description:

Requires sellers or providers of emotional support animals, as well as those issuing verifications of a disability related need for an emotional support animal, to provide written notice to the buyer or recipient containing certain information. Requires persons or businesses that sell or provide certificates, vests, or identification tags that identify an animal as an emotional support animal to provide written notice to the buyer or recipient containing certain information. Establishes penalties. Effective 7/1/2050. (SD1)

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