

JAN 23 2026

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.

8 Titles II and III of the Americans with Disabilities Act
9 define a service animal as a dog that is individually trained to
10 do work 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 include a similar
14 definition but requires employers to make reasonable
15 accommodations for an employee or job applicant with a
16 disability, which could include allowing the individual to use a
17 service animal or emotional support animal.



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

7 The legislature further finds that individuals who rely on
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, should be required to include a written disclaimer
14 stating that emotional support animals lack the requisite
15 training to qualify as service animals and are not entitled to
16 the legal accommodations provided to service animals under state
17 and federal disability laws. The disclaimer should also state
18 that knowingly misrepresenting an emotional support animal as a
19 service animal is unlawful.

20 Additionally, when individuals purchase items such as
21 certificates, vests, or identification tags for their emotional



1 support animals, a disclaimer provided at the time of purchase
2 should clarify that these items do not establish that the animal
3 meets the legal definition of a service animal.

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

5 (1) Sellers or providers of emotional support animals, as
6 well as those issuing verifications of a
7 disability-related need for an emotional support
8 animal, to provide a disclaimer explicitly stating
9 that emotional support animals are not recognized as
10 service animals under state law; and
11 (2) Sellers or providers of certificates, vests, or
12 identification tags that identify an animal as an
13 emotional support animal to provide written notice to
14 the buyer or recipient that contains certain
15 disclosures regarding emotional support animals and
16 service animals.

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

20 "S347- Emotional support animals; disclaimer; civil
21 penalty. (a) Any seller or provider of an animal for use as an



1 emotional support animal shall provide to the buyer or recipient
2 of the animal written notice that 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 the user of 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
11 unlawful.

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

16 (1) The animal does not have the special training required
17 to qualify 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 the user of 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
4 unlawful.

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 to the buyer
8 or recipient of the item written notice that states the
9 following:

10 (1) The item cannot be used to establish the emotional
11 support animal as a service animal;
12 (2) The item does not entitle the user of an emotional
13 support animal to the rights and privileges accorded
14 by law to the user of a service animal; and
15 (3) Knowingly misrepresenting as a service animal any
16 animal that does not meet the requirements of a
17 service animal, as defined in section 347-2.5, is
18 unlawful.

19 (d) The written notices described in subsections (a), (b),
20 and (c) shall be made in at least twelve-point bold type. The
21 written notices described in subsections (a) and (c) shall be



1 provided on the receipt for the emotional support animal or the
2 item described in subsection (c), or on a separate document
3 attached to the receipt.

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

9 (f) Nothing in this section shall preclude any other civil
10 remedies available to a person, entity, or other organization
11 arising from a person misrepresenting an animal as a service
12 animal."

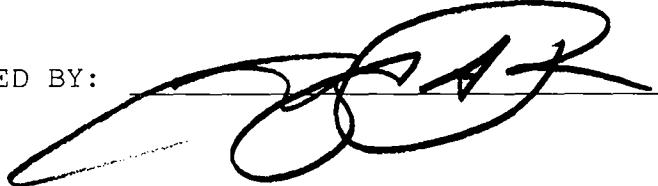
13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. New statutory material is underscored.

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

18

INTRODUCED BY:



S.B. NO. 2853

Report Title:

Emotional Support Animals; 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 of certain laws relating to emotional support animals. Requires persons or businesses that sell or provide certificates, vests, or identification tags that identify an animal as an emotional support animal to provide to the buyer or recipient written notice of certain laws relating to emotional support animals. 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.

