
A BILL FOR AN ACT

RELATING TO DISABLED PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Service dogs play an essential role in the
2 lives of many individuals with disabilities. Service dogs help
3 ensure that the blind, the visually handicapped, and otherwise
4 disabled persons are able to fully participate in the social and
5 economic life of the State. Tasks performed by service dogs
6 include guiding persons who are blind, alerting persons who are
7 deaf, pulling a wheelchair, reminding persons to take
8 medications, and calming anxiety, among others.

9 Federal and state laws guarantee people with disabilities
10 who use service dogs equal access to public places, such as
11 restaurants, hospitals, hotels, theatres, shops, and government
12 buildings. However, there has been a growing trend of
13 nondisabled persons exploiting this access by bringing their
14 dogs into establishments where nonservice dogs are prohibited.
15 Some people simply go online and buy vests, backpacks, or
16 identification cards with a service animal insignia for their
17 nonservice dogs.



1 This trend has raised concerns both amongst disabled
2 persons and the business community. Those with disabilities
3 have expressed concern regarding the potential threat that
4 untrained dogs pose to their highly trained service dogs, while
5 business owners are concerned about health violations and damage
6 to merchandise caused by imposters abusing the system. This
7 fraudulent practice erodes the legitimacy of the entire service
8 dog program, endangers service dogs, jeopardizes the public, and
9 violates many health regulations.

10 The purpose of this Act is to:

- 11 (1) Require the department of human services to establish
12 and administer a service dog certification program;
- 13 (2) Require persons accompanied by a service dog to
14 possess a service dog certificate issued by the
15 department; and
- 16 (3) Establish a penalty for falsely representing a dog as
17 a service dog.

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:

21 "§347- Service dog certification. (a) The department
22 of human services shall establish and administer a service dog



1 certification program. Upon a showing that the dog qualifies as
2 a service dog as defined in section 347-2.5, the department
3 shall issue a service dog certificate to the owner or handler of
4 the dog.

5 (b) The department of human services shall assess the
6 owner or handler of a service dog a fee of \$ _____ for the
7 issuance of a service dog certificate.

8 (c) No person shall represent a dog as a service dog
9 unless the dog has been certified pursuant to this section."

10 SECTION 3. Section 347-13, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Every person who is blind, deaf, visually
13 handicapped, or otherwise disabled shall have the right to be
14 accompanied by a service dog, especially trained for the purpose
15 of assisting the person in any of the places listed in
16 subsection (a) without being required to pay an extra charge for
17 the service dog; provided that the person shall [~~be~~]:

- 18 (1) Be liable for any damage done to the premises or
19 facilities by the service dog[~~-~~]; and
20 (2) Possess on the person a service dog certificate issued
21 pursuant to section 347-_____.



1 No service dog shall be considered dangerous merely because it
2 is unmuzzled."

3 SECTION 4. Section 347-18, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§347-18 **Penalty.** Any person who violates section
6 347- (c), 347-16, or 347-17 shall be fined not more than \$100
7 or imprisoned not more than six months, or both."

8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on January 1, 2015.

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INTRODUCED BY:

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JAN 16 2014



H.B. NO. 1762

Report Title:

DHS; Service Dogs; Certification Program; Penalty

Description:

Requires the DHS to establish and administer a service dog certification program. Requires persons accompanied by a service dog to possess a service dog certificate issued by the department. Establishes a penalty for falsely representing a dog as a service dog. Takes effect 1/1/15.

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