

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 334
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 334 entitled:

"A BILL FOR AN ACT RELATING TO ASSISTANCE ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to codify the
administrative definition of "assistance animal" and clarify what
constitutes acceptable verification when establishing the need for
an assistance animal.

Your Committee received testimony in support of this measure
from the Aloha State Association of the Deaf, Hawaii Dog
Psychology Center, and two individuals. Your Committee received
testimony in opposition to this measure from the Hawai'i Civil
Rights Commission; Community Associations Institute, Legislative
Action Committee; Associa; and three individuals. Your Committee
received comments on this measure from the Disability and
Communication Access Board and one individual.

Your Committee finds that service animals and assistance
animals serve distinct disability-related needs. Despite the
separation between service animals and assistance animals, your
Committee finds that the 2017 state law prohibiting
misrepresentation of service animals has resulted in confusion
over acceptable verification of a disability-related need for an
assistance animal.



Your Committee further finds that under the federal Fair Housing Act, the United States Department of Housing and Urban Development (HUD) funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act. According to testimony from the Hawaii Civil Rights Commission, Hawaii's fair housing law has been certified by HUD to be substantially equivalent. However, statutory changes that affect rights, such as the in-person evaluation verification requirement proposed by this measure, could jeopardize HUD certification of Hawaii's fair housing law and HUD's cooperative agreement with the Hawaii Civil Rights Commission. Your Committee understands these concerns and concludes that amendments to address these concerns, as well as other concerns raised in testimony, are needed.

Your Committee has amended this measure by:

- (1) Amending the definition of "assistance animal" to remove the term "therapy animal";
- (2) Clarifying the verification that may be requested by a housing provider by:
 - (A) Removing the requirement that the verification be provided in person, for consistency with federal guidelines; and
 - (B) Specifying that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 334, S.D. 1, and be referred to your Committee on
Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
 Thirtieth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 334	CPH, JDC	1/30/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.		✓		
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	6	1		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes