
A BILL FOR AN ACT

RELATING TO EMOTIONAL SUPPORT ANIMALS.

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

1 SECTION 1. Section 347-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§347-2.5 Service dog, defined. As used in this chapter,
4 "service dog" means any dog that is individually trained to do
5 work or perform tasks for the benefit of an individual [with]
6 who is certified in writing by a doctor to have a disability,
7 including a physical, sensory, intellectual, or other mental
8 disability[~~.—A companion or comfort animal is not a service dog~~
9 ~~unless it meets the requirements of this definition and it~~
10 ~~accompanies a person for the purpose of performing the work or~~
11 ~~tasks for which it has been trained.], including anxiety or any
12 other emotional disorder."~~

13 SECTION 2. Section 347-13, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§347-13 Persons who are blind, visually handicapped,
16 disabled; public places; public conveyances. (a) Persons who
17 are blind, visually handicapped, or otherwise disabled are



1 entitled to full and equal accommodations, advantages,
2 facilities, and privileges of all common carriers, airplanes,
3 motor vehicles, railroad trains, motor buses, street cars,
4 boats, or any other public conveyances or modes of
5 transportation, hotels, lodging places, places of public
6 accommodation, amusement, or resort, and other places to which
7 the general public is invited, subject only to the conditions
8 and limitations established by law and applicable to all
9 persons.

10 (b) Every person who is blind, deaf, visually handicapped,
11 or otherwise disabled shall have the right to be accompanied by
12 a service animal, especially trained for the purpose of
13 assisting the person, or an emotional support animal, in any of
14 the places listed in subsection (a) without being required to
15 pay an extra charge for the service animal[+] or emotional
16 support; provided that the person shall be liable for any damage
17 done to the premises or facilities by the service animal[+] or
18 emotional support animal. No service animal or emotional
19 support animal shall be considered dangerous merely because it
20 is unmuzzled.



1 (c) Every disabled person shall have the right to use a
2 life jacket or other flotation device in a public swimming pool;
3 provided that:

4 (1) The person suffers from a physical disability or
5 condition that requires the use of a life jacket or
6 other flotation device; and

7 (2) The person obtains a statement signed by a licensed
8 physician, physician assistant, or advanced practice
9 registered nurse attesting to the person's need to use
10 a life jacket or other flotation device.

11 (d) The director of human services shall adopt rules
12 pursuant to chapter 91 necessary for the purposes of this
13 section.

14 (e) For the purposes of this section, "emotional support
15 animal" means any animal that a licensed medical professional
16 has determined provides therapeutic benefit for an individual
17 with a disability, including anxiety or any other emotional
18 disorder, and for which the licensed medical professional has
19 provided written certification stating the professional's
20 determination."



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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. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Bini Kofeshi

JAN 18 2019



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Report Title:

Service Dogs; Emotional Support Animals; Medical Determination;
Right to Accompany

Description:

Allows persons with disabilities to be accompanied by an emotional support animal in public places when the emotional support animal has been determined to provide a therapeutic benefit by a licensed medical professional. Amends the definition of service dog.

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

