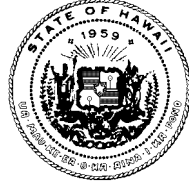


DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

January 31, 2022

TO: The Honorable Chair Joy A. San Buenaventura
Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: SB2194 – RELATING TO SERVICE ANIMALS.

HEARING: Tuesday, February 1, 2022, 3:00 pm
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure, respectfully offers comments, and requests clarification. DHS also defers to the Hawaii Civil Rights Commission.

PURPOSE: The purpose of the bill is to specify that anxiety and emotional disorders are disabilities for which service animals may be trained to assist, and it proposes to permit animals that provide emotional support to qualify as service animals.

The Division of Vocational Rehabilitation (DVR) affirms that anxiety and emotional disorders are difficulties that can affect many aspects of the lives of individuals with such disabilities. However, DVR staff do not have training or jurisdiction to verify that an individual with a disability requires an emotional support animal. Additionally, we do not have knowledge or expertise as to what constitutes proper training for an emotional support animal to become a service animal.

Current Hawaii law defines services animals as follows,

347-2.5 Service animal, defined. As used in this chapter, "service animal" means any dog that is individually trained to do work or perform tasks for the benefit of

an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must relate directly to the individual's disability. Neither the potential crime deterrent effects of an animal's presence nor the provision of emotional support, comfort, or companionship by an animal constitutes work or tasks for the purposes of this definition.

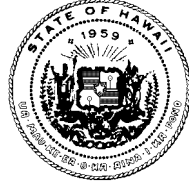
DHS urges that proper, rigorous training be a requirement for any proposed service animal. Dogs are the only species allowed to be service animals. Animals or pets that are not properly trained may present a distraction to, in many cases, endanger the health and safety of other individuals with disabilities and their fully-trained service animals.

DHS encourages increased public education and outreach regarding the importance of highly trained service animals to those individuals who rely upon such working animals for health, safety, and independence.

DHS requests clarification regarding the purpose of the proposed amendment of "anxiety, emotional disorder" to the list of disabilities that already includes sensory, psychiatric, intellectual, or other mental disability. DHS also requests clarification if the Legislature's intent to delete "emotional support" from the section would result in "emotional support" constituting work or the task that the animal is trained to do. As above, DVR staff does not have training or jurisdiction to verify that an individual with a disability requires an emotional support animal. We do not know what constitutes proper training for an emotional support animal to become a service animal.

Thank you for the opportunity to provide comments on this measure.

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LATE

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Thank you for the opportunity to provide comments on this measure.

SB-2194

Submitted on: 1/31/2022 12:39:23 PM

Testimony for HMS on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Comments	Yes

Comments:

There is currently a fairly blurry line between an emotional support animal and a service animal. There is an even blurrier line between an emotional support animal and a psychiatric service animal. While the ADA may not recognize emotional support animals our state law has been more protective and that in general is a good policy decision. Adding the current language would seem to add more protection to a segment of the population that has legitimate needs. We have not had an opportunity to confer with other stakeholders and would in particular be interested to hear from the State agencies who would be responsible for enforcing the law to see if there might be any unintended consequences. If the bill advances we assume that opportunity will occur.

SB-2194

Submitted on: 1/30/2022 10:11:24 AM

Testimony for HMS on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support

LATE

SB-2194

Submitted on: 1/31/2022 4:55:34 PM

Testimony for HMS on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Na Lan	Testifying for Community Associations Institute LAC	Oppose	No

Comments:

The Community Association Institute Legislative Action Committee opposes SB 2194. "Disability" and "Service Animal" are all defined terms in the American Disabilities Act ("ADA"). Most people experience "anxiety" from time to time but with different levels of "anxiety". Only certain "anxiety" and/or "emotional disorder" would rise to the level of "disability". CAI LAC is concerned that adding the vague and ambiguous language "anxiety" and "emotional disorder" will not only lead to abuse of process by some pet owners, but also will cause disputes arising from service animal. The best practice is to be consistent with the federal Fair Housing Act and use the existing defined terms "disability" and "service animal" as provided in the ADA. Emotional support animals are assistance animals and are already afforded the protection for reasonable accomodation under existing law.