

JAN 20 2023

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# 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 despite existing law  
2 that makes it a civil violation to knowingly misrepresent as a  
3 service animal any animal that does not meet the statutory  
4 requirements of a service animal, information about what animals  
5 qualify as service animals is not well-known. A service animal  
6 is defined in existing law to mean any dog that is individually  
7 trained to do work or perform tasks for the benefit of an  
8 individual with a disability, including a physical, sensory,  
9 psychiatric, intellectual, or other mental disability. Service  
10 animals enjoy specific privileges that other animals do not,  
11 specifically that the service animal and their human partner are  
12 required to be accommodated in public places. By contrast, the  
13 law does not extend these privileges to emotional support  
14 animals. This can lead to confusion when a person acquires an  
15 animal that, although benefiting the person, does not meet the  
16 criteria for a service animal.



1           The legislature further finds that making persons who  
2 obtain emotional support animals aware that the animals do not  
3 qualify as service animals can be accomplished by requiring any  
4 person or business that sells or provides the animals for use as  
5 emotional support animals to deliver a written disclaimer  
6 stating that the animals do not have the training required to  
7 qualify as service animals, are not entitled to the rights and  
8 privileges accorded by law to service animals, and that  
9 knowingly misrepresenting the animals as service animals is  
10 unlawful. It is crucial that this disclaimer also be provided  
11 when persons purchase certificates, identifications, tags,  
12 vests, leashes, and harnesses for emotional support animals.

13           The purpose of this Act is to require that sellers or  
14 providers of emotional support animals, and sellers or providers  
15 of certificates, identifications, tags, vests, leashes, and  
16 harnesses for emotional support animals, also provide a  
17 disclaimer that an emotional support animal is not a service  
18 animal under state law.

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



1        "§347-        Emotional support animals; disclaimer that animal  
2 is not a service animal; civil penalty. (a) Any person or  
3 business that sells or provides an animal for use as an  
4 emotional support animal shall provide written notice to the  
5 buyer or recipient of the animal that states the following:

6        (1) The animal does not have the special training required  
7        to qualify as a service animal;

8        (2) The animal is not entitled to the rights and  
9        privileges accorded by law to a service animal; and

10       (3) Knowingly misrepresenting as a service animal any  
11       animal that does not meet the requirements of a  
12       service animal, as defined in section 347-2.5, is a  
13       violation of section 347-2.6.

14       (b) A person or business that sells or provides a  
15 certificate, identification, tag, vest, leash, or harness for an  
16 emotional support animal shall provide written notice to the  
17 buyer or recipient that states the following:

18       (1) The item does not entitle an emotional support animal  
19       to the rights and privileges accorded by law to a  
20       service animal; and



1       (2) 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 a  
4       violation of section 347-2.6.

5       (c) The written notices described in subsections (a) and  
6       (b) shall be made in at least twelve-point bold type and shall  
7       be provided on the receipt for the emotional support animal or  
8       the product described in subsection (b), or on a separate piece  
9       of paper that is attached to the receipt.

10       (d) Upon a finding of a preponderance of the evidence, a  
11       person who violates subsection (a) or (b) shall be fined not  
12       less than \$100 and not more than \$250 for the first violation,  
13       and not less than \$500 for a second violation and each violation  
14       thereafter.

15       (e) Nothing in this section shall preclude any other civil  
16       remedies available to a person, entity, or other organization  
17       arising from misrepresentation by another person of a service  
18       animal."

19       SECTION 3. New statutory material is underscored.



# S.B. NO. 612

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Kul Nath



# S.B. NO. 612

**Report Title:**

Deaf and Blind Task Force; Emotional Support Animal; Disclaimer;  
Service Animal; Penalties

**Description:**

Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. 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.*

