

STAND. COM. REP. NO.

1286

Honolulu, Hawaii

MAR 17

, 2023

RE: S.B. No. 612
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred S.B. No. 612, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require sellers or providers of emotional support animals, and sellers and providers of certificates, identifications, tags, vests, leashes, or harnesses that identify an animal as an emotional support animal, to provide certain written disclaimers to buyers or recipients of an emotional support animal or item.

Your Committee received testimony in support of this measure from the Department of Human Services, Disability and Communication Access Board, and three individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission.

Your Committee finds that there is often confusion about the definitions for different types of assistance animals. Many people do not understand the difference between a service animal, which is individually trained to do work or perform tasks for the benefit of an individual with a disability, and an emotional

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support animal, which provides comfort or emotional support to its owner and is not qualified as a service animal under the Americans with Disabilities Act.

Your Committee further finds that federal and state civil rights laws provide for the right of persons with disabilities to reasonable accommodation. The use of a service animal is the reasonable accommodation for a person with a disability, whereas emotional support animals cannot be used as a form of reasonable accommodation. Requiring a written disclaimer when a person purchases or receives an emotional support animal or certain items for emotional support animals will help reduce confusion surrounding the differing treatment of these animals.

Your Committee finds that the companion to this measure, H.B. No. 871, H.D. 1 (Regular Session of 2023), was previously passed by your Committee.

Your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 871, H.D. 1, a measure that:

- (1) Requires sellers or providers of emotional support animals to provide a written disclaimer regarding the emotional support animal, including that the animal does not qualify as or have the same rights and privileges as a service animal and that knowingly misrepresenting an emotional support animal may be a violation;
- (2) Requires sellers or providers of certificates and identification tags for emotional support animals to provide a written disclaimer that the item does not entitle an emotional support animal to the same rights and privileges as a service animal and that knowingly misrepresenting an emotional support animal may be a violation;
- (3) Establishes penalties for violation of the written disclaimer requirements; and
- (4) Includes an effective date of June 30, 3000.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this



report, your Committee is in accord with the intent and purpose of S.B. No. 612, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 612, S.D. 1, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,



DELLA AU BELATTI, Chair



