

STAND. COM. REP. NO.

261

Honolulu, Hawaii

, 2023

FEB 09

RE: H.B. No. 871

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 H.B. No. 871 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require that sellers or providers of emotional support animals, and sellers or providers of certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals, provide a written disclaimer that an emotional support animal is not a service animal under state law.

Your Committee received testimony in support of this measure from four 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 Department of Human Services, Hawai'i Civil Rights Commission, and American Kennel Club.

Your Committee finds that information about what animals qualify as service animals is not well-known. Service animals are 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. Emotional support animals are not trained to perform specific acts related

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to a person's disability; rather, the owner of an emotional support animal derives a sense of well-being fulfillment, companionship, or lessened anxiety with the presence of the animal. State and federal 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. This measure intends to remove confusion surrounding the differing treatment of these animals by requiring a written disclaimer when a person purchases certain items for emotional support animals.

Your Committee has amended this measure by:

- (1) Removing vests, leashes, and harnesses for emotional support animals from the list of items that require the disclaimer proposed by this measure;
- (2) Inserting a savings clause;
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 871, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 871, 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,

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DELLA AU BELATTI, Chair



