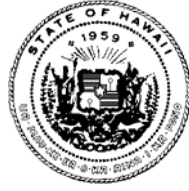


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 6, 2023

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Health & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 871 – RELATING TO SERVICE ANIMALS.**

Hearing: Wednesday, February 8, 2023, 9:45 a.m.
Conference Room 329 & Videoconferencing, State Capitol

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

PURPOSE: The bill 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.

DHS appreciates the intent of the measure as animals that are not properly trained can, at the very least, present a distraction to, and in many cases endanger the health and safety of, individuals with disabilities and their fully trained service animals.

DHS supports requiring the persons and businesses who sell or provide animals for use as emotional support animals, as well as those who sell certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals, to provide written notice stating that the animals do not have the training required to qualify as service animals, and the legal consequences of misrepresenting such animals as service animals.

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



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

Friday, February 8, 2023, at 9:45 a.m.
Conference Room 329 & Videoconference

To: The Honorable Representative Della Au Belatti, Chair
The Honorable Representative Jenna Takenouchi, Vice Chair Health & Homelessness

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 871

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC offers comments and concerns on H.B. No. 871, and supports only the creation of a new subsection § 347-__ (b) (page 3, starting on line 14). The purpose of the bill is to require 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.

The HCRC understands the confusion that surrounds the definitions of assistance animals, and that many people do not understand the difference between a service animal, individually trained to perform a task to for an individual with a disability, and an emotional support animal, which provides emotional support for an individual with a disability.

The HCRC supports the creation of the new subsection 347-__ (b) found on page 3 of the bill starting at line 14, to the extent that it requires persons and businesses that sell or provide certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals to provide written notice stating that: 1) the item does not entitle an emotional support animal rights and privileges accorded to a service animal (no such rights or privileges are enjoyed by either

type of animal); and, 2) that knowingly misrepresenting an animal that does not meet the requirements of a service animal as a service animal is a violation of law.

The HCRC has strong concerns about the language in Section 1 of the bill, stating that service animals enjoy certain privileges, and that the law does not extend those privileges to emotional support animals. This misstates the law and is based on a faulty premise. Under state and federal law, neither service animals nor emotional support animals are accorded rights or privileges. State and federal civil rights laws provide for the right of persons with disabilities to reasonable accommodation – this right to reasonable accommodation belongs to and is exercised by the person with a covered disability. Under state fair employment law (HRS chapter 378, part I), fair housing law (HRS chapter 515), and public accommodations law (HRS chapter 489), as well as the federal Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), *animals do not have rights or privileges*. In this respect, use of a service animal is the reasonable accommodation, analogous to the use of a wheelchair or other assistive device.

It is unclear how this measure would affect sellers of dogs, cats, rabbits and other animals, including non-profit entities who do not know the reason a person is adopting an animal (and should not inquire into any disability-related reasons). The bill also ignores the fact that an animal that is not trained to be a service animal (to do work or perform tasks for a person with a disability) can later be so trained (even by its owner/handler) and become a service animal for the person with a disability.

The HCRC supports only the creation of the new subsection 347-__(b) found on page 3 of the bill starting at line 14, and not the rest of the bill.



AMERICAN
KENNEL CLUB®

Phil M. Guidry, J.D.
Director, Policy Analysis
Government Relations

Tuesday, February 7, 2023

The Honorable Representative Della Au Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair
Hawai'i House Health and Homelessness Committee
Room 420, State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: AKC Requests Amendments to House Bill 871 (Service Dogs, Emotional Support Dogs) to Support Traditional Legal Classification of Animals as Property

Chair Belatti, Vice Chair Takenouchi, and members of the Hawai'i House Health and Homelessness Committee:

The American Kennel Club (AKC) promotes the study, breeding, exhibiting, and advancement of purebred dogs, and represents over 5,100 dog clubs nationally, including 40 clubs in Hawai'i. AKC advocates for the purebred dog as a family companion, advances canine health and well-being, protects the rights of dog owners, and promotes the ideals of responsible dog ownership.

AKC and our affiliated clubs are both happy and proud to serve lawmakers and communities by sharing with them our animal care and responsible ownership principles. **Today, we write to share our concerns with House Bill 871 and respectfully request that the committee, and in your roles as cosponsors of the legislation, amend the bill prior to further consideration.**

AKC shares HB 871's recognition that service animals are specifically task trained while emotional support animals are not. AKC believes that both properly-trained service dogs and laws that require access for individuals with service dogs offer positive, life-changing impact for individuals with a disability.

We also share your concern about an increase in the use of poorly-trained dogs or pets that are fraudulently misrepresented as service dogs. We are particularly concerned about the harmful impact that poorly trained dogs and fraudulent misrepresentation of pets as service dogs has had in undermining the ability of individuals with disabilities who rely on properly-trained service dogs to conduct their daily activities. "Fake" and poorly-trained service dogs also undermine the credibility of well-trained working dogs and create a threat to public health and safety.

However, AKC is deeply concerned with the use of the term "rights" and similar language in HB 871 to describe the relationship between animals and the law. Instead of legally-operative "rights" language, AKC supports the continued traditional classification and description of animals as property under current Hawai'i law. The current, standard treatment of dogs as legal property, by both the legislature and the courts, has supports a predictable and reliable legal system that both protects animals and assure the rights and responsibilities of owners to make the most appropriate decisions for the care of their animals. Additionally, many other areas of law that deal with animals, including animal cruelty laws, are grounded upon animal ownership principles.

Founded in 1884; a not-for-profit corporation

8051 Arco Corporate Drive Raleigh, NC 27617 Tel 919-816-3600 www.akc.org

We urge you to amend HB 871 to ensure that users of service dogs are the legal persons for whom rights and privileges inure to, not the dogs themselves.

FIRST REQUESTED AMENDMENT: As introduced, section (a) of HB 871 would require any person or business that sells or provides an animal for use as an emotional support animal to provide written notice to the buyer/recipient that:

- (1) The animal does not have special training required to qualify as a service animal.
- (2) The animal is not entitled to the rights and privileges accorded by law to a service animal.
- (3) It is a violation to knowingly misrepresent any animal as a service animal that does not meet the state's definition.

AKC recommends the underlined language in (a)(2) above be amended to read, “(2) The user of an emotional support animal is not entitled to the privileges accorded by law to the user of a service animal.”

SECOND REQUESTED AMENDMENT: Similarly, section (b) of HB 871 would require any person or business that sells or provides a certificate, identification, tag, vest, leash, or harness for an emotional support animal to provide written notice to the buyer/recipient that:

- (1) The item does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal; and
- (2) It is a violation to knowingly misrepresent any animal as a service animal that does not meet the state's definition.

AKC also recommends the underlined language in (b)(1) above be amended to read, “(1) The item does not entitle the user of an emotional support animal to the privileges accorded by law to the user of a service animal.

Thank you for your consideration of our request for amendments to House Bill 871. Please feel free to contact me at (919) 816-3503 or phil.guidry@akc.org if I may be of additional assistance on this or any other dog-related matter.

Sincerely,



Phil M. Guidry, J.D.
Director, Policy Analysis
AKC Government Relations

CC: HB 871 sponsors: Representatives Takayama, Amato, Cochran, Ganaden, Gates, Hashimoto, Holt, Hussey-Burdick, Ichiyama, Kapela, Kitagawa, Lamosao, Marten, Matayoshi, Morikawa, Onishi, Perruso, Quinlan, Takenouchi, Belatti, Kobayashi, Martinez, Poepoe, Tam.
Lynn Muramaru – Pacific Pet Alliance



TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 8, 2023
Re: HB 871 RELATING TO SERVICE ANIMALS

Good morning, Chair Belatti and members of the House Committee on Health & Homelessness. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We understand the want for HB 871, we are opposed as we have some major concerns. This measure 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 as well as establishes penalties.

We would like to point out that many retailers have a limited amount of space to display let alone the pricing and information for each individual item. It would be difficult for local retailers, especially the small mom & pop stores to have numerous signage with at least 12 Point font for emotional support animal apparel and accessories is quite large as seen below.

The item does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal; and Knowingly misrepresenting as a service animal any animal that does not meet the requirements of a service animal, as defined in section 347-2.5, is a violation of section 347-2.6

Having to put this information in a 12-point font minimum is not feasible with the majority of Point of Sales Systems as the programs limit the number of characters and font size on a receipt. To have to give notice to all those who purchase emotional support animal merchandise would also place additional cost on the retailer for not only the printing of the notices but having the employee include the notices in the purchase or staple to the receipt. If we put signage directly on the merchandise while on the shelves, it maybe taken off by customers. If we have to put it on while checking out, there may be human error in the cashier forgetting to include it. **This puts a large burden on the retailer who is mandated to let the customer know and having a large fine if they do not. And anytime you touch retail regardless of how small the amount, the cost will be passed on to the customer and making Hawaii even more expensive to live.**

We would also like to point out that we would have to do this for ALL pet apparel and accessories as retailers who do not know if these items are being purchased for pets, emotional support animals, service animals, or others. The bill currently does not specify that it is only for apparel and accessories labeled clearly with EMOTIONAL SUPPORT ANIMAL imprinted on it.

In addition, because businesses cannot ask for proof if the animal is a true service animal or an emotional support animal, what would stop those with emotional support animals from purchasing apparel and accessories that state "Service Animal" on them? Or claiming it's a service animal to gain entrance into an establishment or business when it really is an emotional support animal.

We do not feel that signage at the retail level will deter people's behavior when it comes to those with emotional support animals. Mahalo again for this opportunity to testify.

HB-871

Submitted on: 2/6/2023 9:19:26 AM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl Burghardt	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill regarding service animals. I would like the legislature to take one more step in this process which is to ensure that all food businesses display the Federal Law about animals in food stores. It has become an every day occurrence to go to Longs, Safeway, even Ala Moana Mall food court and find non-service dogs there (yesterday at Longs,even unleashed). To me, this bill and my suggestion add are part of the same issue that without enforcement and watchful eye, people have turned a service for those in need into a selfish "I will take my pet wherever I want" mayhem. Costco Iwilei has the sign up. Where are the rest of them. It's a public safety issue. Thank you for allowing me to comment on this bill which I support.

HB-871

Submitted on: 2/6/2023 1:40:16 PM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
James Kennedy	Individual	Support	Written Testimony Only

Comments:

My name is Jim Kennedy. I am submitting this written testimony in support of this bill as an individual, not as a representative of an organization. Over the past 23 years, I have a lot of direct experience with legitimate service dogs. My previous experience includes having been the former executive director of Hawaii Fi-Do Service Dogs, and as a member of the legislative advisory board on Assistance Dogs International. I can tell you that people who try to pass their emotional support dogs as service dogs are doing a huge disservice to those who rely on real service dogs. While true service dogs are well trained to avoid distractions, they are still dogs, and an untrained dog might cause distractions that could cause the service dog to lose focus, possibly jeopardizing its partner's safety.

This bill will help assure that users of emotional support dogs are reminded that they with their dog, will not have the access rights that a service dog and its partner will have per ADA laws.

PETER L. FRITZ
T-Mobil Relay (808) 568-0077

HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON HEALTH & HOMELESSNESS
Testimony on H.B. 871
Hearing: February 8, 2023

RELATING TO SERVICE ANIMALS

Chair Au Belatti, Vice Chair Takenouchi, and members of the Committee. My name is Peter Fritz. I am testifying **in support** of this bill.

The purpose of this bill is to impose penalties for the fraudulent and subsequent misrepresentation of emotional support dogs (ESA) as service dogs and provide information that the ESA is not a service dog. A service animal is trained to perform specific tasks such as preventing their blind owner from stepping in front of a silent electric vehicle. An untrained pet or ESA could distract the service animal putting the blind person at risk.

Other states have passed laws to prevent to prevent this type of conduct. In California Guide Dogs for the Blind and Canine Companions for Independence sponsored a bill that became law because people misrepresenting that their pet was an ESA or service dog was causing people to question people with legitimate service animals. Many service dog owners have testified about how businesses were becoming skeptical of representations that a service animal was a legitimate service animal. Misrepresentation is a problem.

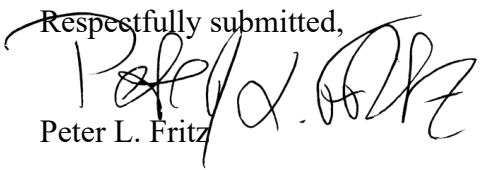
The California legislature noted that there had been an increase in the fraudulent selling and subsequent misrepresenting of emotional support dogs as service dogs, including business selling various misleading ESA-related certificates and merchandise that inaccurately imply that ESAs have the same legal rights and privileges as service dogs. Items generally include vests, tags, patches, holographic identification cards, and certificate documents prominently featuring the words “Emotional Support Animal” and in some instances “ESA, Protected Under Federal Law” which can imply that ESAs wearing such accessories are granted the same rights as service dogs.

ESAs are NOT service animals. Under the ADA, a service animal is a dog that has been individually trained to perform tasks for an individual with a disability. An ESA is a dog (or other animal) that is not trained to perform specific acts related to a person’s disability. ESAs do not enjoy the same legal privileges as trained service dogs: for example, while federal and state law require that service dogs be allowed to accompany their human partner in public places, ESAs on the other hand do not have to be accommodated.

This bill will help to curb misrepresentation by people that their ESA is a service dog and place owners of ESDs on notice that their ESD is not a service animal. I respectfully request that this committee move this bill.

Thank you for the opportunity to testify.

Respectfully submitted,


Peter L. Fritz

HB871 SERVICE DOG BILL

SB612 SERVICE DOG BILL 2023

Committee members need to recognize Psychiatric Service Dogs in this bill. These dogs ARE service dogs also. It would be unfair to exclude them knowing that veterans have a large demographic of PTSD and other psychiatric disorders from multiple war time/overseas deployment experiences. As you can read below, they are not comfort animals.

[Psychiatric Service Dogs](#) are another type of service animal. A psychiatric service dog is a type of service dog that has been individually trained to perform tasks that help with the emotional issues of a person's disability. A specific task may entail a psychiatric service dog providing deep pressure therapy to help their handler through a panic attack. Psychiatric service dogs may also help with assistive actions such as waking up their handler from a night terror or guiding their handler to a safe space during an anxiety episode. The [U.S. Department of Justice](#) also offers the example of a psychiatric service dog reminding their handler to take their medication, which is considered a 'Medical Reminder' task.

Just like any other service animal, psychiatric service dogs receive extensive training to perform tasks that assist their handler and are commonly prescribed to those living with post traumatic stress, anxiety, and other types of emotional disabilities. Because being separated from their psychiatric service dog substantially limits an individual's ability to thrive as much as possible, psychiatric service dogs are also entitled to the same privileges and rights as any other type of service dog. Some of the most common [dog breeds](#) used for psychiatric service include Golden Retrievers, Labrador Retrievers, and German Shepherds.

UNDERSTANDING: These are not companion dogs and are used by many Veterans as well as others.

Psychiatric Service Dogs

It's been estimated that 1 in 4 Americans currently live with a mental health illness. Some of the more well-known mental health illnesses include depression,

anxiety, bipolar disorder, post-traumatic stress disorder (PTSD), and phobias such as social phobia or agoraphobia (the fear of places and situations that might cause panic, helplessness, or embarrassment). Mental health illnesses such as those above account for many of the top causes of disability in the United States. Individuals who live with a mental health illness will often work with a licensed mental health professional to develop a treatment plan that best suits their needs.

As mental health illnesses are becoming more and more recognized, supported, and understood, those who live with them are increasingly turning to healthy, natural alternatives when developing their treatment plans. This includes the use of assistance animals such as psychiatric service dogs.

What is a Psychiatric Service Dog?

A [psychiatric service dog](#) (PSD) is a type of assistance animal that's trained to perform specific tasks for individuals living with a mental illness. These unique tasks are directly related to the handler's disability.

Most of us are accustomed to seeing guide dogs supporting those with physical disabilities like a hearing or sight impairment. However, a psychiatric service dog helps people with typically unseen, unnoticeable disabilities.

For example, veterans with post-traumatic stress disorder (PTSD) who experience panic attacks or similar challenges can greatly [benefit](#) from the service of a PSD. Those who live with social phobia or other anxiety disorders can also find the service of a PSD to be incredibly beneficial.

What Conditions Can a Psychiatric Service Dog Help With?

Some of the most common mental health conditions that may necessitate the assistance of a PSD include:

- Post-Traumatic Stress Disorder (PTSD)
- Depression
- Anxiety Disorders
- Obsessive-Compulsive Disorder (OCD)
- Attention-Deficit/Hyperactivity Disorders
- Bipolar Disorders
- Social Phobias
- Schizophrenia
- [Agoraphobia](#)
- Claustrophobia
- Panic Disorders
- Autism

What are Psychiatric Service Dogs Trained to Do?

Psychiatric service dogs assist their owners by performing special tasks that can help alleviate the individual's depression, anxiety, phobia, etc. These tasks will be specific to the PSD's owner and will typically be something that the person cannot do themselves.

Assistance from psychiatric service dogs can be physical, or it can require the dog to use their natural senses. Either way, a trained PSD will typically serve as a buffer in certain situations and read signals from their handler to help them in whatever way is needed.

Here are just some of the many ways that a PSD can help their owner:

Ease Claustrophobia

In crowded and claustrophobic situations, a PSD can act as a non-protective buffer to provide their human with some needed space. The dog can increase the personal bubble by standing between their handler and other people so that their owner is at ease and comfortable.

Additionally, for some, visiting amusement parks, markets, or similarly crowded spaces can overwhelm a person and trigger anxiety and/or panic. A PSD will recognize the physical stress signs in their handler or read their handler's signals and know to immediately lead their human to a spacious area.

Assess Any Threats

Approaching a space that should be empty can be a trigger for someone with PTSD, just as turning a corner can sometimes cause anxiety.

These simple life activities are trying for someone with PTSD or similar anxiety disorders. Having a dog enter a space and carry out a room search can be incredibly calming for such an individual.

Therapeutic and Tactile Distraction

Tactile stimulation and pressure therapy can help ground a person and offer a therapeutic distraction from anxiety, depression, or a pending panic attack from PTSD.

Dogs can be trained to place pressure on their handler's chest or lap to encourage emotional regulation and bring calm to a situation

Medical Assistance or Reminder

A psychiatric service dog can remind their handler when it's time for medication and continue to pester them until they take their drugs.

If an individual cannot retrieve the medication due to nausea or lethargy, they can train their dog to fetch it for them, along with a bottle of water.

Balance Assistance

Prescribed medication for some mental health disorders may result in side effects such as lethargy, lameness, and confusion. This can make it challenging for an individual to walk without balance assistance.

A psychiatric service dog can move their handler to a safe space or support them with a harness in these situations.

Night Terror Alert

Service animals can wake their handlers during a night terror and provide a distraction from a harrowing flashback.

By reorientating their handler, the PSD can assist in lifting them out of a terrifying episode.

Retrieve Help

Individuals who suffer from certain psychiatric disabilities can find themselves in situations where crippling fears and escalating symptoms could necessitate medical assistance.

This is sometimes seen in those with PTSD or anxiety disorders. Service dog handlers can signal to their service dog that they need to fetch help.

Relief from Sensory Overload or Stress

Some situations may prove to be stressful or overwhelming for people with certain mental health conditions. To avoid explanation or awkward departures, these individuals can signal to their psychiatric service dog to tug at their leg, as if signaling for a toilet break.

This task may seem simple, but by avoiding the emotional buildup and social claustrophobia, the individual can regain emotional control.

Companionship

While PSDs are trained to perform specific tasks, this does not take away from the fact that they are animals that display loyalty, love, and companionship for their handlers.

Endless studies share the many ways that dogs [benefit our health](#), from an increased zest for life to even reducing blood pressure.

Selective Solitude or Reclusiveness

Psychiatric service dogs can encourage an individual to leave home and engage with people when they would usually opt for solitude.

A psychiatric service dog encourages ventures into the outdoors while also providing support for their owner when they get out of their comfort zone. Dogs can also facilitate social interactions while also putting their person at ease if such social situations become too stressful.

Federally Protected Rights for Psychiatric Service Dogs

Those with service dogs rely on their animal to support them in various situations. The dog cannot perform his job, however, if he's left at home or tied up outside a store.

Service dogs are therefore permitted public access to places where pets or emotional support animals are normally not allowed.

Federal laws protect and support psychiatric service dogs in the following ways:

1. Public Access Rights

The [ADA](#) gives disabled persons the right to be accompanied by a service animal in public spaces. Service dogs must be well behaved, stay on the floor or in a harness, and cannot override public health rules (such as entering a public swimming pool).

Service animal handlers should be aware that religious institutions are exempt from the [ADA](#) and are not required to permit access to service dogs. Your state may have specific laws that apply in this case.

2. Travel Privileges

The [Air Carrier Access Act](#) (ACAA) of 1986 prohibits refusal and discrimination towards individuals based on their disability and their need for a service animal to accompany them. The ACAA allows disabled owners to take their service animal onboard a flight, in the cabin, without paying extra fees.

For those who intend on traveling with their PSD, it's important to note that the [Department of Transportation](#) (DOT) permits airlines the right to ask PSD

owners to submit a certification form before departure. The form requires the individual to provide certain certifications, including proof that their PSD has been trained to assist with a disability and is capable of good behavior on a flight. You can learn more about what it's like to [travel with a PSD here](#).

3. Fair Housing

The Fair Housing Act (FHA) protects people with disabilities (mental or physical) from discrimination when it comes to accommodation.

Landlords cannot deny housing to anyone based on their diagnosis. People with assistance animals, such as PSDs, are protected under the FHA even if the property has a “no pet” policy.

4. Educational Facility Access

The Individuals with Disabilities Education Act (IDEA) allows students to bring service dogs such as psychiatric services dogs into places of education.

The Department of Justice has [guidelines and rules](#), but they are not clear-cut, and individual cases need to be discussed depending on your state and school.

Verifying a Psychiatric Service Dog

The symptoms of mental health illnesses are not always visible to others. As such, it's not uncommon to expect a request for verification, especially when entering a place with a “no dogs” rule.

According to the ADA, the staff of an establishment can legally ask the following questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

No one has the right to ask you to identify your specific disability or ask that your pet demonstrate their skill.

As previously mentioned, the DOT gives airlines the right to also request further certifications when flying with your pet. Make sure you follow all requirements and provide these certifications beforehand, as to allow for more stress-free travel.

While not a requirement, it can also be helpful to fit your animal with a service dog vest, service dog harness, or [service dog ID card](#).

Emotional Support Animals vs. Psychiatric Service Dogs: What's the Difference?

Over the centuries, dogs have performed many jobs to assist their human companions.

As a result, there are many types of assistance animals in today's society.

Here are the four main types of assistance animals and what their job typically encompasses.

- **A Service Dog** receives extensive training to help individuals with tasks or activities that their disability limits or prevents them from doing on their own. Under the American's with Disabilities Act (ADA), service dogs can accompany their owners in a wide range of public areas because of the tasks they do. One of the most common types of service dogs is a seeing-eye dog for the visually impaired.
- **A Psychiatric Service Dog** also receives specialized training in order to perform certain tasks for an individual, the only difference being that a PSD usually helps those with unseen, unnoticeable disabilities (anxiety, panic, post-traumatic stress, depression). Just like other service dogs, PSDs have public access rights and certain travel and housing privileges.
- **Emotional Support Animals** are companion animals whose presence can help alleviate symptoms of mental illness. Dogs and cats are the most common types of ESAs and require no formal training to be recognized as an assistance animal. However, ESAs don't have the same federally protected rights as trained service dogs and may not always be able to accompany their owners in public places or on planes, based on the guidelines that the specific establishment or airline has in place.
- **Therapy Dogs** can often be found in hospitals or nursing homes. The [presence](#) of a therapy dog can bring comfort, social interaction, reduced stress, and joy into patients' or residents' lives. Therapy dogs usually undergo specialized training in order to work in these special settings. Another type of therapy dog is a 'Comfort Dog,' which visits disaster areas or areas of crisis to calm victims and bring them comfort.

How to Get a Psychiatric Service Dog

The first step in getting a psychiatric service dog is to speak with a licensed mental health professional (LMHP).

If your LMHP agrees with you that a PSA would be a beneficial addition to your treatment plan, they will write a letter of recommendation which confirms your need for a psychiatric service dog.

Once you have this letter of recommendation from your LMHP, you can move forward to the next step in the process: finding your new assistance animal.

The dog can be one that's already a part of your family or it can be one that you adopt. There are no requirements when it comes to breed type, which allows individuals more leeway when it comes to adopting an animal from a rescue group or a local animal shelter.

Individuals can also request a service dog from a specialized service dog organization, although there are usually steep fees involved with this option. The average cost of a service dog for those who opt to go this route is \$15,000-\$30,000 up front.

An animal from a service dog organization will have already received the full range of training required for the animal to perform the tasks you require. If you decide to use a dog you already own or plan to adopt, you'll need to provide special training for the animal to qualify as a PSD.

How to Train a Psychiatric Service Dog

When it comes to training your animal to perform specific tasks as your psychiatric service dog, there are several options available.

The ADA and the DOT permit owners to self-train their service animals. Using guidelines such as those provided by the General Public Access Test will enforce good behavior in your service dog when you're visiting public spaces and are around other people.

There's also the option to get a service dog from a specialized service dog organization. As previously mentioned, an animal from a service dog organization will have already received extensive training. However, the average cost of an animal from such an organization ranges from \$15,000-\$30,000.

The most popular option is to simply seek the services of a professional dog trainer. This is a preferable option for many who simply don't have the time or energy to research training methods and best practices in addition to preparing a 'curriculum' for their service dog that meets guidelines like the General Public Access Test. A dog trainer brings years of experience and knowledge to the table and can more quickly teach your dog to perform all needed tasks, saving you the headache of doing it yourself. Working with a trainer can also help you and your service dog better understand each other's body language and further build your bond. A trainer can also help you come up with appropriate signals to give your psychiatric service dog when you need a specific task performed.

Learn more about [training a psychiatric service dog here](#).

Interested in Getting a Psychiatric Service Dog?

Psychiatric service dogs play an important role in the lives of their owners. They can help with mental health conditions like depression, anxiety, PTSD, social phobias, and more by performing certain tasks that can help alleviate the symptoms of these disorders.

Because of the service they provide, psychiatric service dogs have federally protected rights that allow them access to public places. They also are entitled to certain travel and housing privileges. This way, they never have to be separated from the human who relies on their help.

Are you interested in getting a psychiatric service dog?

Here at [CertaPet](#), we can help. Certapet is an online telehealth platform that improves access to mental health care in the U.S. with a focus on providing services to individuals who are seeking animal assisted interventions as part of their treatment plan.

We are currently coordinating with dog trainers who specialize in the service animal space and who will soon work in tandem with our network of licensed mental health professionals to make the process of getting and training a psychiatric service dog affordable, convenient, and hassle-free. We'll have more information available soon about our Psychiatric Service Dog Training options. In

the mean time, you can take our FREE pre-screening below to see if you qualify for a PSD!

FAQs

Who can prescribe a psychiatric service dog?

A licensed mental health professional (LMHP) can prescribe an assistance animal such as a psychiatric service dog as part of an individual's treatment plan.

Can psychiatric service dogs go anywhere?

The [ADA](#) gives disabled persons, including those with a mental health disability, the right to be accompanied by a psychiatric service animal in public spaces. The service dog must be well behaved, stay on the floor or in a harness, and cannot override public health rules (such as entering a public swimming pool). Religious institutions are exempt from the [ADA](#) and are not required to permit access to service dogs.

What tasks can a psychiatric service dog perform?

Psychiatric service dogs assist their owner by performing tasks that can help alleviate the individual's stress, anxiety, depression, and/or other symptoms. From retrieving medication and assisting with emotional regulation to conducting room searches or serving as a buffer in overwhelming situations or crowded spaces, PSDs can be individually trained to perform several tasks for their handler's unique needs.



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 8, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

House Bill 871 – Relating to Service Animals

The Disability and Communication Access Board (DCAB) supports House Bill 871 – Relating to Service Animals. This bill 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.

Under Title II and Title III of the Americans with Disabilities Act (ADA), state and local governments and places of public accommodations must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go. Untrained animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. DCAB is aware that people with emotional support animals may not understand that state and local governments and places of public accommodations are not obligated to allow emotional support animals to accompany them in all areas of the facility where the public is allowed to go. DCAB encourages increased public education and awareness to clarify that an emotional support animal is not a service animal as defined under Title II and Title III of the ADA.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director