S.B. NO. 404

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 that makes it a civil violation to knowingly misrepresent as a 2 service animal any animal that does not meet the statutory 3 requirements of a service animal, information about what animals 4 qualify as service animals is not well-known. A service animal 5 is defined in existing law to mean any dog that is individually 6 trained to do work or perform tasks for the benefit of an 7 individual with a disability, including a physical, sensory, 8 psychiatric, intellectual, or other mental disability. 9 The users of service animals enjoy specific privileges that the 10 owners of other animals do not, specifically that the service 11 animal and their human partner are required to be accommodated 12 in public places. By contrast, the law does not extend these 13 privileges to the users of emotional support animals. This can 14 lead to confusion when a person acquires an animal that, 15 although benefiting the person, does not meet the criteria for a 16 17 service animal.

2025-0501 SB SMA.docx

1

Page 2

S.B. NO. 404

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 person or business that sells or provides the animals for use as 4 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, that the users are not entitled to 8 the rights and privileges accorded by law to the users of 9 service animals, and that knowingly misrepresenting the animals as service animals is unlawful. It is crucial that this 10 11 disclaimer also be provided when persons purchase certificates, identifications, tags, vests, leashes, and harnesses that 12 identify an animal as an emotional support animal. 13 14 The purpose of this Act is to require sellers or providers 15 of emotional support animals, and sellers or providers of 16 certificates, identifications, tags, vests, leashes, and harnesses that identify an animal as an emotional support 17

18 animal, to provide certain disclaimers to the buyer or

19 recipient.

2

Page 3

S.B. NO. 404

1	SECI	ION 2. Chapter 347, Hawaii Revised Statutes, is	
2	amended b	y adding a new section to be appropriately designated	
3	and to read as follows:		
4	" <u>\$34</u>	7- Emotional support animals; disclaimers; civil	
5	penalty.	(a) Any person or business that sells or provides an	
6	animal fo	r use as an emotional support animal shall provide	
7	<u>written n</u>	otice to the buyer or recipient of the animal that	
8	states th	e following:	
9	<u>(1)</u>	The animal does not have the special training required	
10		to qualify as a service animal;	
11	<u>(2)</u>	The user of an emotional support animal is not	
12		entitled to the rights and privileges accorded by law	
13		to the user of a service animal; and	
14	(3)	Knowingly misrepresenting as a service animal any	
15		animal that does not meet the requirements of a	
16		service animal, as defined in section 347-2.5, is a	
17		violation of section 347-2.6.	
18	<u>(b)</u>	A person or business that sells or provides a	
19	<u>certifica</u>	te, identification, tag, vest, leash, or harness that	
20	identifie	s an animal as an emotional support animal shall	

2025-0501 SB SMA.docx

Page 4

S.B. NO. 404

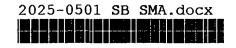
1	provide w	ritten notice to the buyer or recipient that states the
2	following	<u>:</u>
3	(1)	The item does not entitle the user of an emotional
4		support animal to the rights and privileges accorded
5		by law to the user of a service animal; and
6	(2)	Knowingly misrepresenting as a service animal any
7		animal that does not meet the requirements of a
8		service animal, as defined in section 347-2.5, is a
9		violation of section 347-2.6.
10	<u>(c)</u>	The written notices described in subsections (a) and
11	(b) shall	be made in at least twelve-point bold type and shall
12	be provid	ed on:
13	<u>(1)</u>	The receipt issued for the sale or provision of an
14		animal pursuant to subsection (a) or a product
15		pursuant to subsection (b); or
16	(2)	A separate piece of paper that is attached to the
17		receipt described in paragraph (1).
18	(d)	Upon a finding of a preponderance of the evidence, a
19	person who	o violates subsection (a) or (b) shall be fined not
20		\$100 and not more than \$250 for the first violation,

2025-0501 SB SMA.docx

4

S.B. NO. 404

1	and not less than \$500 for the second and each subsequent
2	violation.
3	(e) Nothing in this section shall preclude any other civil
4	remedies available to a person, entity, or other organization
5	arising from misrepresentation by another person of a service
6	animal."
7	SECTION 3. New statutory material is underscored.
8	SECTION 4. This Act shall take effect upon its approval.
9	INTRODUCED BY:
	INTRODUCED BY:



S.B. NO. 404

Report Title:

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

Description:

Requires sellers or providers of emotional support animals or of certificates, identifications, tags, vests, leashes, and harnesses that identify an animal as an emotional support animal to provide certain disclaimers to the buyer or recipient. 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.

