

JAN 15 2025

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. The
10 users of service animals enjoy specific privileges that the
11 owners of other animals do not, specifically that the service
12 animal and their human partner are required to be accommodated
13 in public places. By contrast, the law does not extend these
14 privileges to the users of emotional support animals. This can
15 lead to confusion when a person acquires an animal that,
16 although benefiting the person, does not meet the criteria for a
17 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, 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
10 as service animals is unlawful. It is crucial that this
11 disclaimer also be provided when persons purchase certificates,
12 identifications, tags, vests, leashes, and harnesses that
13 identify an animal as an emotional support animal.

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
17 harnesses that identify an animal as an emotional support
18 animal, to provide certain disclaimers to the buyer or
19 recipient.



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

4 "§347- Emotional support animals; disclaimers; civil
5 penalty. (a) Any person or business that sells or provides an
6 animal for use as an emotional support animal shall provide
7 written notice to the buyer or recipient of the animal that
8 states the following:

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

11 (2) 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 (b) A person or business that sells or provides a
19 certificate, identification, tag, vest, leash, or harness that
20 identifies an animal as an emotional support animal shall



1 provide written notice to the buyer or recipient that states the
2 following:

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 (c) The written notices described in subsections (a) and
11 (b) shall be made in at least twelve-point bold type and shall
12 be provided on:

13 (1) 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 violates subsection (a) or (b) shall be fined not
20 less than \$100 and not more than \$250 for the first violation,



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:



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.

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