

Honolulu, Hawaii

APR 05 , 2018

RE: S.B. No. 2461  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2461, 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:

- (1) Establish a civil penalty for knowingly misrepresenting an animal as a service animal; and
- (2) Conform Hawaii law with the definition of "service animal" under the Americans with Disabilities Act of 1990.

The County of Hawai'i Office of the Mayor, Hawaii Fi-Do Service Dogs, Hawaii Food Industry Association, Associa, Hawaii Disability Rights Center, and many individuals testified in support of this measure. The Hawai'i Civil Rights Commission and two individuals testified in opposition. The Department of the Attorney General, Disability and Communication Access Board, Department of Human Services, and National Federation of the Blind provided comments.



Your Committee has amended this measure by:

- (1) Amending the proposed civil penalty for knowingly misrepresenting an animal as a service animal to:
  - (A) Change the minimum and maximum amounts for fines to unspecified amounts; and
  - (B) Require a finding by clear and convincing evidence for the imposition of fines; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2461, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2461, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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SCOTT Y. NISHIMOTO, Chair



