

STAND. COM. REP. NO.

710

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 681  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 681 entitled:

"A BILL FOR AN ACT RELATING TO DOGS,"

begs leave to report as follows:

The purpose of this measure is to recognize the bond between humans and animals and the status of pets as family members by allowing, at the discretion of the owner or manager of a restaurant, a restaurant patron to bring a dog into the restaurant under specified conditions.

The Humane Society of the United States, Hawaiian Humane Society, West Hawaii Humane Society, Windward Dog Park Hui, Animal Rights Hawai'i, The Animal Interfaith Alliance, and numerous concerned individuals supported this measure. The Department of Health, Hawaii Food Industry Association, Hawai'i Restaurant Association, and several concerned individuals opposed this measure. The Disability and Communication Access Board submitted comments on this measure.

Your Committee has amended this measure by:

- (1) Clarifying that dogs may only be allowed in restaurants with an outside dining area with a separate entrance to the outside dining area;

HB681 HD1 HSCR AGR HMS 2019-1971-1



- (2) Clarifying the definition of restaurant to include outside dining areas; and
- (3) Changing its effective date to January 1, 2150, to encourage further discussion.

Your Committee believes that many of the issues and concerns may be mitigated by emphasizing that this measure does not mandate that dogs be allowed into restaurants, but provides the owner or manager of the restaurant with the discretion to do so under certain conditions. Further, your Committee recognizes that a restaurant with an outside dining area with a separate entrance may be best suited to accommodate a patron with a dog.

Your Committee respectfully requests your Committees on Consumer Protection & Commerce and Judiciary consider and take appropriate action on the concerns and comments expressed in the testimonies of the Disability and Communication Access Board and a concerned individual.

The Board's testimony was focused on protecting the rights of persons with disabilities who are handlers of service dogs. Under state and federal laws, service animals must be permitted into establishments. Accordingly, any conditions and restrictions in this measure or those that may be imposed by the owner or manager must not adversely impact service dogs. The Board's concern also includes individuals with disabilities, such as families with children with disabilities. For example, a child with autism may become very agitated when encountering an untrained dog. The Board believes that individuals with disabilities should be able to go to a restaurant and know that there is a "safe" area for them.

Further, a concerned individual testified that the patron's dog must not be allowed to contact reusable tableware unless the tableware is dedicated for use by a dog and is readily distinguishable as such or is provided by the patron handling the dog.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 681, as amended herein, and recommends that it pass Second Reading



in the form attached hereto as H.B. No. 681, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

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



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RICHARD P. CREAGAN, Chair



**Record of Votes of the Committee on Agriculture**

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|--|--|------------------------|-------------|----------------|
| <b>Bill/Resolution No.:</b><br>HB 681  | <b>Committee Referral:</b><br>AGR, CPC/JUD | <b>Date:</b><br>2-8-19 |             |                |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.  |  |                        |             |                |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |  |                        |             |                |
| <b>AGR Members</b>   | <b>Ayes</b>                                | <b>Ayes (WR)</b>       | <b>Nays</b> | <b>Excused</b> |
| 1. CREAGAN, Richard P. (C)   | ✓  |                        |             |                |
| 2. DeCOITE, Lynn (VC)  |  | ✓                      |             |                |
| 3. CABANILLA ARAKAWA, Rida   |  |                        |             | ✓              |
| 4. CACHOLA, Romy M.  |  | ✓                      |             |                |
| 5. HOLT, Daniel  |  |                        |             | ✓              |
| 6. ONISHI, Richard H.K.  |  | ✓                      |             |                |
| 7. PERRUSO, Amy A.   |  | ✓                      |             |                |
| 8. OKIMOTO, Val  |  | ✓                      |             |                |
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| <b>TOTAL (8)</b>   | 1  | 5                      | 0           | 2              |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><small>committee acronym(s)</small>  |  |                        |             |                |
| <b>Vice Chair's or designee's signature:</b> <i>Lyn DeCointe</i>   |  |                        |             |                |
| <b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO  |  |                        |             |                |