

STAND. COM. REP. NO.

2547

Honolulu, Hawaii

MAR 01 2018

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

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

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

"A BILL FOR AN ACT RELATING TO SERVICE ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of misrepresentation of a service animal; and
- (2) Change the definition of "service dog" to "service animal" and amend the definition of that term to conform with the Americans with Disabilities Act of 1990.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association and four individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Civil Rights Commission. Your Committee received comments on this measure from the Department of the Attorney General, Disability and Communication Access Board, and Hawaii Disability Rights Center.

Your Committee finds that fraudulent misrepresentation of pets and untrained animals as service animals is widespread and harmful to persons who legitimately rely on service animals. Currently, there are no legal consequences for misrepresenting a



pet or other untrained animal as a service animal. Establishing penalties for such misrepresentation could function as a deterrent.

Your Committee notes concern about the practical enforcement of a penalty for misrepresentation of a service animal and encourages the Department of Human Services to review this measure. Your Committee further encourages the Working Group on Service Animals proposed by Senate Concurrent Resolution No. 28, Regular Session of 2018, consider the penalties and definitional language established by this measure should that resolution be adopted by the Legislature.


Your Committee has amended this measure by:

- (1) Adding to and clarifying the legislative findings in the purpose section;
- (2) Making misrepresentation of a service animal a civil violation instead of a misdemeanor offense;
- (3) Establishing civil fines of not less than \$100 and not more than \$250 for a first violation and not less than \$500 for a second violation and each violation thereafter;
- (4) Removing the non-exclusive list of example tasks from the definition of "service animal";
- (5) Inserting an effective date of January 1, 2035, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2461, S.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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BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2461	JDC	2/20/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended <small>2312</small>				
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>				
<input type="checkbox"/> Hold <small>2310</small>				
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 150px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> <span style="margin-left: 50px;">Original</span> <span style="margin-left: 100px;">Yellow</span> <span style="margin-left: 100px;">Pink</span> <span style="margin-left: 100px;">Goldenrod</span> <small>File with Committee Report</small> <small>Clerk's Office</small> <small>Drafting Agency</small> <small>Committee File Copy</small>				

\*Only one measure per Record of Votes