

JAN 22 2019

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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE  
IMPLEMENTATION OF ACT 217, SESSION LAWS OF HAWAII 2018,  
REGARDING MISREPRESENTATION OF SERVICE ANIMALS.

1           WHEREAS, a service animal is an animal that is individually  
2 trained to work or perform tasks for a person with a disability;  
3 and  
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5           WHEREAS, the misrepresentation of pets and other non-  
6 service animals as service animals diminishes the respect given  
7 to service animals and can create challenges for individuals who  
8 use the services of legitimate service animals; and  
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10           WHEREAS, Act 217, Session Laws of Hawaii 2018 (Act 217),  
11 established a civil penalty for knowingly misrepresenting an  
12 animal as a service animal; and  
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14           WHEREAS, the prohibition against misrepresentation of a  
15 service animal is placed in chapter 347, Hawaii Revised  
16 Statutes, which is administered by the Department of Human  
17 Services; and  
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19           WHEREAS, questions have arisen about Act 217, including the  
20 means to enforce the prohibition and the sufficiency of the  
21 language to address the issue; and  
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23           WHEREAS, guidance about misrepresentation of a service  
24 animal is needed to adequately inform law enforcement officers  
25 and the business community of the law; now, therefore,  
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27           BE IT RESOLVED by the Senate of the Thirtieth Legislature  
28 of the State of Hawaii, Regular Session of 2019, that the  
29 Department of Human Services, in consultation with the Hawai'i  
30 Civil Rights Commission and the Disability and Communication  
31 Access Board, is requested to examine and report on the  
32 implementation of Act 217, including:  
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34           (1) How to enforce the prohibition against  
35           misrepresentation of a service animal;



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- 2 (2) Whether administrative rules need to be adopted;
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- 4 (3) How to better oversee and regulate service animals;
- 5 and
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- 7 (4) Whether additional legislation is necessary; and
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9 BE IT FURTHER RESOLVED that the Department of Human  
 10 Services, in consultation with the Hawai'i Civil Rights  
 11 Commission and the Disability and Communication Access Board, is  
 12 requested to issue guidance about misrepresentation of a service  
 13 animal for use by law enforcement and the business community;  
 14 and

15  
 16 BE IT FURTHER RESOLVED that the Department of Human  
 17 Services is requested to submit a report of its findings and  
 18 recommendations to the Legislature, including any proposed  
 19 legislation, no later than twenty days prior to the convening of  
 20 the regular session of 2020; and

21  
 22 BE IT FURTHER RESOLVED that certified copies of this  
 23 Resolution be transmitted to the Director of Human Services,  
 24 Executive Director of the Hawai'i Civil Rights Commission, and  
 25 Executive Director of the Disability and Communication Access  
 26 Board.

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OFFERED BY: Kal Rhoads