

HOUSE BILL 111

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO ANIMALS; REQUIRING FIRST RESPONDERS AT EMERGENCY SITUATIONS WHO ARE MADE AWARE OF A MISSING QUALIFIED SERVICE ANIMAL TO MAKE A REASONABLE EFFORT TO SEARCH FOR THE QUALIFIED SERVICE ANIMAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 28-11-2 NMSA 1978 (being Laws 1989, Chapter 242, Section 1, as amended) is amended to read:

"28-11-2. DEFINITIONS.--As used in the Service Animal Act:

A. "emotional support animal", "comfort animal" or "therapy animal" means an animal selected to accompany an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a

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1 disability;

2 B. "first responder" means a public safety employee
3 whose duties include responding rapidly to an emergency,
4 including:

5 (1) a law enforcement officer;

6 (2) a firefighter or certified volunteer
7 firefighter; and

8 (3) an emergency medical services provider;

9 ~~[B.]~~ C. "qualified service animal" means any
10 qualified service dog or qualified service miniature horse that
11 has been or is being trained to provide assistance to an
12 individual with a disability; but "qualified service animal"
13 does not include a pet, an emotional support animal, a comfort
14 animal or a therapy animal;

15 ~~[C.]~~ D. "qualified service dog" means a dog that
16 has been trained or is being trained to work or perform tasks
17 for the benefit of an individual with a disability who has a
18 physical or mental impairment that substantially limits one or
19 more major life activities; and

20 ~~[D.]~~ E. "qualified service miniature horse" means a
21 miniature horse that has been trained or is being trained to
22 work or perform tasks for the benefit of an individual with a
23 disability who has a physical or mental impairment that
24 substantially limits one or more major life activities."

25 SECTION 2. Section 28-11-3 NMSA 1978 (being Laws 1989,

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1 Chapter 242, Section 2, as amended) is amended to read:

2 "28-11-3. ADMITTANCE OF QUALIFIED SERVICE ANIMAL.--

3 A. Notwithstanding any other provision of law:

4 (1) a person with a disability who is using a
5 qualified service animal shall be admitted to any building open
6 to the public and to all other public accommodations and shall
7 be allowed access to all common carriers; provided that the
8 qualified service animal is under the control of an owner, a
9 trainer or a handler of the qualified service animal. A person
10 shall not deny an individual with a qualified service animal
11 entry to a building open to the public or to any public
12 accommodation or deny access to a common carrier, regardless of
13 any policy of denying to pets entry to that building, public
14 accommodation or common carrier. A person shall not be
15 required to pay any additional charges for the qualified
16 service animal but may be liable for any damage done by the
17 qualified service animal; provided that persons without
18 disabilities would be liable for similar damage; and

19 (2) in an emergency requiring transportation
20 or relocation of the owner or trainer of the qualified service
21 animal, to the extent practicable, accommodations shall be made
22 for the qualified service animal to remain or be reunited with
23 the owner, trainer or handler. When accommodations cannot be
24 made for allowing the qualified service animal to remain with
25 the owner, trainer or handler, the qualified service animal

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1 shall be placed pursuant to instructions provided by the owner,
2 trainer or handler. If a first responder at an emergency
3 situation is made aware that an owner, trainer or handler's
4 qualified service animal is missing, the first responder, to
5 the extent practicable and while prioritizing human safety and
6 security, shall make a reasonable effort to search for the
7 qualified service animal.

8 B. This section does not require a public
9 accommodation or common carrier to permit an owner, trainer or
10 handler using a qualified service animal to have access to a
11 public accommodation or common carrier in circumstances in
12 which the individual's use of the qualified service animal
13 poses a direct threat of significant harm to the health or
14 safety of others."

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