

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH AND OTHERS TO DEVELOP METHODS TO PROVIDE FOR THE CONTINUOUS CARE AND SAFETY OF ASSISTANCE ANIMALS IN CERTAIN EMERGENCY SITUATIONS.

WHEREAS, assistance animals include guide dogs, signal dogs or other animals individually trained to provide assistance to individuals with disabilities; and

WHEREAS, assistance animals perform functions and tasks that individuals with disabilities cannot perform for themselves; and

WHEREAS, assistance animals serve as "seeing eye dogs", assist persons with hearing impairments, pull wheelchairs, carry or pick up objects and assist persons with mobility or balance impairments; and

WHEREAS, assistance animals are not pets; and

WHEREAS, the federal Americans with Disabilities Act and state law require that assistance animals have access to any business, building or public accommodation, provided that the assistance animal is under the control of a person with a disability; and

WHEREAS, on occasion, a person with a disability who has an assistance animal may require emergency intervention, such as transportation to a hospital or other health care setting, and may not be able to verbally assert the right to be

accompanied by the assistance animal; and

WHEREAS, in situations such as this, the assistance animal may be left without a caretaker and the disabled person may be left without the vital support provided by the assistance animal; and

WHEREAS, this could pose a threat to the well-being and safety of the assistance animal, as well as to the disabled person; and

WHEREAS, the department of health is in the process of developing protocols for police and other emergency workers that provide appropriate responses with regard to assistance animals in the event of a community disaster or emergency;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the department of health, in collaboration with the department of public safety and others, be requested to develop methods to provide for the continuous care and safety of assistance animals in both individual and community emergency situations; and

BE IT FURTHER RESOLVED that the methods address educating public safety workers on the right of disabled persons to have their assistance dogs remain with them in all public and private settings; and

BE IT FURTHER RESOLVED that the department of health consult with individuals with disabilities who use assistance animals in developing its protocols; and

BE IT FURTHER RESOLVED that the department of health notify all police departments, fire departments, ambulance companies and other emergency medical personnel, as appropriate, of the requirements of federal and state laws regarding assistance animals; and

BE IT FURTHER RESOLVED that the department of health report its recommendations to the legislative health and human services committee at its October 2004 meeting; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretaries of the departments of health and public safety and to other appropriate parties.