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A MEMORIAL

RECOGNIZING THE CONTRIBUTIONS OF SERVICE ANIMALS FOR VETERANS
AND OTHER PEOPLE WITH DISABILITIES.

WHEREAS, many veterans and other people with
disabilities use service animals to facilitate their
participation in everyday life; and

WHEREAS, some examples of services performed by service
animals include: alerting a person with diabetes when the
person's blood sugar reaches high or low levels; detecting
the onset of a seizure and then helping the person remain
safe during the seizure; picking up items for a person who
uses a wheelchair; preventing a child with autism or a person
with dementia from wandering away; and entering a space,
checking to see that no threats are there and coming back and
signaling a returning veteran with posttraumatic stress
disorder that it is safe to enter the space; and

WHEREAS, the federal Americans with Disabilities Act of
1990, commonly referred to as the ADA, applies to service
animals and requires state and local government agencies,
businesses and nonprofit organizations that provide goods or
services to the public, known as "covered entities", but not
federal agencies or religious institutions and organizations,
to make reasonable modifications in their policies, practices
or procedures when necessary to accommodate people with

1 disabilities, including when the person is assisted by a
2 service animal; and

3 WHEREAS, New Mexico's Service Animal Act reflects the
4 ADA provisions pertaining to service animals; and

5 WHEREAS, "service animal" is defined in the ADA as a dog
6 that has been individually trained to do work or perform
7 tasks for an individual with a disability that are directly
8 related to the person's disability; and

9 WHEREAS, the Service Animal Act defines a qualified
10 service animal as a dog or miniature horse that has been
11 trained or is being trained to work or perform tasks for the
12 benefit of an individual with a disability who has a physical
13 or mental impairment that substantially limits one or more
14 major life activities; and

15 WHEREAS, the ADA does not require professional training
16 of service animals and does not require any certification of
17 or licensure as a service animal; and

18 WHEREAS, service animals must be under the handler's
19 control at all times, and the handler is responsible for
20 maintaining control of the service animal at all times and
21 for caring for and supervising the service animal, including
22 toileting, feeding, grooming and providing veterinary care;
23 and

24 WHEREAS, both the federal and state laws prohibit
25 charging a person accompanied by a service animal any

1 additional charges related to the presence of the service
2 animal, but do provide that the person may be liable for any
3 damage done by the service animal; provided that persons
4 without disabilities would be liable for similar damage; and

5 WHEREAS, the ADA does not require service animals to
6 wear a vest, identification tag or specific harness; and

7 WHEREAS, the ADA allows employees of covered entities to
8 ask a person accompanied by a service animal only two
9 specific questions:

10 A. "Is the dog a service animal required because
11 of a disability?" and

12 B. "What work or task has the dog been trained to
13 perform?"; and

14 WHEREAS, employees of covered entities are not allowed
15 to request any documentation for the dog, require that the
16 dog demonstrate its task or inquire about the nature of the
17 person's disability; and

18 WHEREAS, under the ADA, service animals are subject to
19 local dog animal control or public health requirements, such
20 as vaccinations, licensing and registration requirements, but
21 are not subject to other local requirements, such as
22 registration as service dogs or ordinances banning specific
23 breeds of dogs; and

24 WHEREAS, the ADA does not require covered entities to
25 modify policies, practices or procedures to accommodate

1 service animals if those modifications would fundamentally
2 alter the nature of the goods, services, programs or
3 activities provided to the public or if there are legitimate
4 safety concerns, such as if a service animal is out of
5 control and the handler does not take effective action to
6 control it or if the service animal is not housebroken; and

7 WHEREAS, restaurants, bars and other places that serve
8 food and drink are required to allow service animals to
9 accompany a disabled person but are not required to provide
10 seating for the service animal on chairs or allow feeding the
11 service animal at the table; and

12 WHEREAS, hotels must provide a guest with a disability
13 who is accompanied by a service animal the same opportunity
14 to reserve any available room at the hotel as other guests
15 without disabilities and are prohibited from charging guests
16 to clean the hair or dander shed by a service animal, but may
17 charge the guest for any damage done by the service animal;
18 provided that persons without disabilities would be liable
19 for similar damage; and

20 WHEREAS, in general, hospitals and ambulances are
21 required to allow service dogs in ambulances and patient
22 rooms and anywhere else in the hospital that the public and
23 patients are allowed to go; and

24 WHEREAS, both federal and state law provide penalties
25 for violations pertaining to assistance by service animals;

1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
2 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the many
3 positive attributes and contributions of service animals to
4 veterans and other disabled people, and the right of veterans
5 and other disabled people to the animals' service, be
6 recognized and embraced.

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