

HOUSE MEMORIAL 122

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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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

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1 safe to enter the space; and

2 WHEREAS, the federal Americans with Disabilities Act of
3 1990, commonly referred to as the ADA, applies to service
4 animals and requires state and local government agencies,
5 businesses and nonprofit organizations that provide goods or
6 services to the public, known as "covered entities", but not
7 federal agencies or religious institutions and organizations,
8 to make reasonable modifications in their policies, practices
9 or procedures when necessary to accommodate people with
10 disabilities, including when the person is assisted by a
11 service animal; and

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

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

18 WHEREAS, the Service Animal Act defines a qualified
19 service animal as a dog or miniature horse that has been
20 trained or is being trained to work or perform tasks for the
21 benefit of an individual with a disability who has a physical
22 or mental impairment that substantially limits one or more
23 major life activities; and

24 WHEREAS, the ADA does not require professional training of
25 service animals and does not require any certification of or

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1 licensure as a service animal; and

2 WHEREAS, service animals must be under the handler's
3 control at all times, and the handler is responsible for
4 maintaining control of the service animal at all times and for
5 caring for and supervising the service animal, including
6 toileting, feeding, grooming and providing veterinary care; and

7 WHEREAS, both the federal and state laws prohibit charging
8 a person accompanied by a service animal any additional charges
9 related to the presence of the service animal, but do provide
10 that the person may be liable for any damage done by the
11 service animal; provided that persons without disabilities
12 would be liable for similar damage; and

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

15 WHEREAS, the ADA allows employees of covered entities to
16 ask a person accompanied by a service animal only two specific
17 questions:

18 A. "Is the dog a service animal required because of
19 a disability?" and

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

22 WHEREAS, employees of covered entities are not allowed to
23 request any documentation for the dog, require that the dog
24 demonstrate its task or inquire about the nature of the
25 person's disability; and

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1 WHEREAS, under the ADA, service animals are subject to
2 local dog animal control or public health requirements, such as
3 vaccinations, licensing and registration requirements, but are
4 not subject to other local requirements, such as registration
5 as service dogs or ordinances banning specific breeds of dogs;
6 and

7 WHEREAS, the ADA does not require covered entities to
8 modify policies, practices or procedures to accommodate service
9 animals if those modifications would fundamentally alter the
10 nature of the goods, services, programs or activities provided
11 to the public or if there are legitimate safety concerns, such
12 as if a service animal is out of control and the handler does
13 not take effective action to control it or if the service
14 animal is not housebroken; and

15 WHEREAS, restaurants, bars and other places that serve
16 food and drink are required to allow service animals to
17 accompany a disabled person but are not required to provide
18 seating for the service animal on chairs or allow feeding the
19 service animal at the table; and

20 WHEREAS, hotels must provide a guest with a disability who
21 is accompanied by a service animal the same opportunity to
22 reserve any available room at the hotel as other guests without
23 disabilities and are prohibited from charging guests to clean
24 the hair or dander shed by a service animal, but may charge the
25 guest for any damage done by the service animal; provided that

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1 persons without disabilities would be liable for similar
2 damage; and

3 WHEREAS, in general, hospitals and ambulances are required
4 to allow service dogs in ambulances and patient rooms and
5 anywhere else in the hospital that the public and patients are
6 allowed to go; and

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

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
10 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the many
11 positive attributes and contributions of service animals to
12 veterans and other disabled people, and the right of veterans
13 and other disabled people to the animals' service, be
14 recognized and embraced.