

HOUSE JOINT MEMORIAL 48

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

William "Ed" Boykin

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

.148484.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

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

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

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

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

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
23 STATE OF NEW MEXICO that the department of health, in
24 collaboration with the department of public safety and others,
25 be requested to develop methods to provide for the continuous

.148484.1

underscoring material = new
[bracketed material] = delete

1 care and safety of assistance animals in both individual and
2 community emergency situations; and

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

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

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

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

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