

AN ACT

RELATING TO QUALIFIED ASSISTANCE ANIMALS; AMENDING AND
ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new Section 28-11-1.1 NMSA 1978 is enacted
to read:

"28-11-1.1. SHORT TITLE.--Chapter 28, Article 11 NMSA
1978 may be cited as the "Assistance Animal Act"."

Section 2. Section 28-11-2 NMSA 1978 (being Laws 1989,
Chapter 242, Section 1, as amended by Laws 1999, Chapter 262,
Section 1 and also by Laws 1999, Chapter 288, Section 1) is
amended to read:

"28-11-2. DEFINITIONS.--As used in the Assistance
Animal Act, "qualified assistance animal" means any assistance
dog or other animal that has been or is being trained to
provide assistance to an individual with a disability and
includes:

A. an assistance dog that has been or is being
trained as a guide dog, hearing dog or service dog;

B. a guide dog that has been or is being trained
to aid a blind or visually impaired person;

C. a hearing dog that has been or is being trained
to aid a deaf or hearing-impaired person; and

D. a service dog that has been or is being trained

to aid a person with a disability other than a sight or hearing impairment."

Section 3. Section 28-11-3 NMSA 1978 (being Laws 1989, Chapter 242, Section 2, as amended by Laws 1999, Chapter 262, Section 2 and also by Laws 1999, Chapter 288, Section 2) is amended to read:

"28-11-3. ADMITTANCE OF QUALIFIED ASSISTANCE ANIMALS.-- Notwithstanding any other provision of law:

A. A qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of an owner or a trainer of the qualified assistance animal. No person shall be required to pay any additional charges for the qualified assistance animal, but shall be liable for any damage done by the qualified assistance animal.

B. In an emergency requiring transportation or relocation of the owner or trainer of the qualified assistance animal, to the extent practicable, accommodations shall be made for the qualified assistance animal to remain or be reunited with the owner or trainer."

Section 4. Section 28-11-4 NMSA 1978 (being Laws 1989, Chapter 242, Section 3) is amended to read:

"28-11-4. PENALTY.--A person who violates a provision

of the Assistance Animal Act shall be guilty of a misdemeanor and, upon conviction, shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978."

Section 5. Section 28-11-5 NMSA 1978 (being Laws 1999, Chapter 113, Section 1) is amended to read:

"28-11-5. FINDINGS AND PURPOSE--INTERFERENCE WITH QUALIFIED ASSISTANCE ANIMALS PROHIBITED--CRIMINAL AND CIVIL PENALTIES.--

A. The legislature finds that unrestrained dogs constitute a danger to qualified assistance animals and public safety. The purpose of this section is to protect persons with disabilities and qualified assistance animals from attack by unrestrained dogs.

B. It is unlawful for any person, with no legal justification, to:

(1) intentionally interfere with the use of a qualified assistance animal by harassing or obstructing the owner or trainer of the qualified assistance animal or the qualified assistance animal; or

(2) intentionally fail or refuse to control the person's unrestrained dog, and that dog interferes with or obstructs the owner or trainer of the qualified assistance animal or the qualified assistance animal.

C. The provisions of this section shall not apply to unrestrained dogs on private property not open to the

public.

D. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished pursuant to Section 31-19-1 NMSA 1978. A person convicted under this section may be ordered to pay restitution, including the cost of veterinary bills and replacement and training costs of a qualified assistance animal, if such costs are incurred as a result of the violation.

E. Nothing in this section shall be construed to preclude any other remedies otherwise available pursuant to common law or the NMSA 1978." _____