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## FISCAL IMPACT REPORT

SPONSOR Lundstrom DATE TYPED 02/21/05 HB 561

SHORT TITLE Amend Animal Assistance Act SB \_\_\_\_\_

ANALYST Weber

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 569

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Governor's Commission on Disability (GCD)

Division of Vocational Rehabilitation (DVR)

### SUMMARY

#### Synopsis of Bill

House Bill 561, introduced for the Legislative Health and Human Services Committee, amends and enacts sections of the NMSA 1978 relating to qualified assistance animals.

HB 561 proposes to add a new Section 28-11-1.1 NMSA 1978. Chapter 28, Article 11 NMSA 1978 would be cited as the "Assistance Animal Act." Section 28-11-2 would be amended and proposes a definition for "qualified assistance animal" that would mean any assistance dog or other animal that has been or is being trained to provide assistance to an individual with a disability. Specific categories of assistance dogs would be also defined and included. Section 28-11-3 NMSA 1978 would be amended to reflect that during an emergency requiring transportation or relocation of the owner of the animal, to the extent practicable, accommodations shall be made for the animal to remain or be reunited with the owner (or trainer). Additional amendments would replace existing language referring to assistance or service animals with the term "qualified assistance animals."

Significant Issues

The Department of Health notes.

While most assistance animals are dogs, there are other types of animals that can be used to assist persons with disabilities. It is important that the New Mexico legislation reflect accurate language so as not to exclude individuals with such animals from access to public and private locations. Because separation of owner and assistance animal during emergencies and disasters is unfortunately common, the US Dept Justice, recently issued *An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities*. The article includes an Action Step that suggests that procedures be developed by localities to ensure that emergency shelters permit access to assistance animals and their owners.

HB 561 relates to recommendations made by the Work Group created as a result of House Joint Memorial 48 (HJM 48), passed by the 2004 New Mexico Legislative Session. HJM 48 asked the Department of Health (DOH) and other agencies to develop methods to provide for the continuous care and safety of assistance animals in certain emergency situations. The Work Group, comprised of representatives from the DOH Office of Health Emergency Management, Department of Public Safety, and the Governor's Commission on Disability. The primary recommendation was to amend existing New Mexico legislation to update and standardize language relating to assistance animals and, most importantly, to add a requirement for animals and owners to remain together during emergency situations.

The recommended amendments to New Mexico legislation will clarify language that is currently confusing, and ensure assistance animals and their owners would be afforded reasonable effort to remain together during emergencies and disasters. (US Dept of Justice, Civil Rights Division, Disability Rights Section. *An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities*, September 23, 2004.)

The Governor's Commission on Disability contributes.

The Federal American Disabilities Act (ADA) does not require mandatory or voluntary certification of Assistance Animals. However, many service animal users can attest to the fact that voluntary certification and service animal ID cards from a reputable organization just makes life easier when dealing with service animal accessibility in public places, private housing with no-pet policies, lodging and public transportation. Although, certification of assistance animals is not required under federal law, some entities are ignorant of this and try to prevent access without service animal ID. Certification or professional training of assistance animals is a personal choice that is left up to the assistance animal owner. New Mexico has laws pertaining to service dogs/animals but no laws pertaining to service dog/animals in training.

MW/lg