

1 SENATE JOINT MEMORIAL 40

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 Nancy Rodriguez

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10 A JOINT MEMORIAL

11 REQUESTING THE GOVERNOR'S COMMISSION ON DISABILITY TO CREATE A
12 TASK FORCE TO STUDY MEASURES TO PROMOTE COMPLIANCE WITH THE
13 ASSISTANCE ANIMAL ACT.

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15 WHEREAS, persons with physical, sensory, psychiatric or
16 mental disabilities make use of assistance animals, such as
17 guide dogs, hearing or signal dogs, psychiatric service dogs
18 and seizure response dogs; and

19 WHEREAS, it is estimated that there are more than thirty
20 thousand guide, hearing and service dogs working to assist
21 disabled persons in the United States; and

22 WHEREAS, the federal Americans with Disabilities Act
23 requires privately owned businesses that serve the public, such
24 as restaurants, hotels, retail stores, taxicabs, theaters,
25 concert halls and sports facilities, to allow persons with

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1 disabilities to bring their assistance animals onto business
2 premises in areas where customers are generally allowed; and

3 WHEREAS, the Assistance Animal Act allows persons with
4 disabilities using an assistance animal access to all public
5 buildings and accommodations such as restaurants, hotels,
6 hospitals, swimming pools, stores, common carriers and
7 theaters; and

8 WHEREAS, the media frequently report on difficulties
9 encountered by persons using assistance animals attempting to
10 enter public and private establishments; and

11 WHEREAS, the Southwest Americans with Disabilities Act
12 center has reported to the governor's commission on disability
13 that it receives more complaints from New Mexico about refusing
14 entry to disabled persons using assistance animals, and about
15 lack of enforcement of the Assistance Animal Act, than from any
16 other state; and

17 WHEREAS, the governor's commission on disability regularly
18 receives complaints about disabled persons using assistance
19 animals who have been denied access to public buildings and
20 accommodations; and

21 WHEREAS, it is imperative to educate the public regarding
22 the Assistance Animal Act to ensure consistent access to public
23 buildings and accommodations throughout New Mexico for persons
24 with disabilities who use assistance animals; and

25 WHEREAS, many New Mexicans with disabilities believe that

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1 greater enforcement is needed to ensure compliance with the
2 Assistance Animal Act;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
4 STATE OF NEW MEXICO that the governor's commission on
5 disability be requested to create a task force to study the
6 challenges faced by those using assistance animals and measures
7 to promote compliance with the Assistance Animal Act, including
8 greater enforcement of the act; and

9 BE IT FURTHER RESOLVED that the task force be requested to
10 include representatives from the department of transportation,
11 the department of environment, the food program of the
12 environmental health bureau of the environmental health
13 division of the department of environment, the veterans'
14 services department, the tourism department, the human services
15 department, the alcohol and gaming division of the regulation
16 and licensing department, the department of public safety, the
17 New Mexico law enforcement academy, the New Mexico municipal
18 league, the New Mexico association of counties, the New Mexico
19 lodging association, the New Mexico restaurant association and
20 four persons with disabilities who use assistance animals; and

21 BE IT FURTHER RESOLVED that the animal assistance task
22 force be requested to report its findings and recommendations
23 to the disabilities concerns subcommittee of the interim
24 legislative health and human services committee before the
25 first session of the fifty-first legislative session; and

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BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the governor's commission on disability.