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HOUSE BILL 364

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Patsy Trujillo Knauer

AN ACT

RELATING TO HUMAN RIGHTS; AMENDING SECTIONS OF THE NMSA 1978 TO PROVIDE FOR PUBLIC ACCESS FOR ASSISTANCE ANIMALS AND THEIR TRAINERS.

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

Section 1. Section 28-11-2 NMSA 1978 (being Laws 1989, Chapter 242, Section 1) is amended to read:

"28-11-2. DEFINITIONS. -- As used in [~~this act~~] Section 28-11-3 NMSA 1978, "qualified [~~service~~] assistance animal" means:

A. a [~~guide~~] dog trained or being trained by a recognized [~~guide dog~~] school [~~to lead a partially or totally blind person~~] for training dogs to assist persons with disabilities;

B. [~~a hearing ear dog trained by a recognized~~

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1 ~~hearing ear dog school to aid a hearing impaired person;~~

2 C. ~~a service dog trained by a recognized service~~
3 ~~dog school or training program to assist a mobility impaired~~
4 ~~person]~~ an animal recognized as a service animal pursuant to
5 the Americans with Disabilities Act of 1990; or

6 [D.] C. any other animal approved by the
7 [~~vocational rehabilitation division of the state department of~~
8 ~~public education]~~ governor's committee on concerns of the
9 handicapped as acceptable in public places and trained to
10 provide some special assistance to a person with a [~~mobility~~
11 ~~impairment]~~ disability. "

12 Section 2. Section 28-11-3 NMSA 1978 (being Laws 1989,
13 Chapter 242, Section 2) is amended to read:

14 "28-11-3. ADMITTANCE OF QUALIFIED [~~SERVICE~~] ASSISTANCE
15 ANIMALS. -- [A.] Notwithstanding any other provision of law, a
16 qualified [~~servicee~~] assistance animal shall be admitted to any
17 building open to the public and to all public accommodations
18 such as restaurants, hotels, hospitals, swimming pools,
19 stores, common carriers and theaters; provided that the
20 qualified [~~servicee~~] assistance animal is under the control of
21 a [~~totally or partially blind, hearing impaired or mobility~~
22 ~~impaired]~~ person [B. ~~Pursuant to Subsection A of this~~
23 ~~section]~~ with a disability or a trainer of assistance animals.

24 No person shall be required to pay any additional charges for
25 his qualified [~~servicee~~] assistance animal, but [he] shall be

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1 liable for any damage done by his qualified assistance
2 animal. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 16, 1999

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8 Mr. Speaker:

9
10 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 364

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,

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22 _____
23 Patsy Trujillo Knauer,
24 Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HCPAC/HB 364

Page 5

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: None

Absent: None

J: \99BillSWP\h0364

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**FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999**

February 26, 1999

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 364

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

R. David Pederson, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJC/HB 364

Page 7

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Luna

13 Absent: None

15 J: \99BillSWP\h0364

underscored material = new
[bracketed material] = delete