



Service Animals

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What is a service animal?

As of March 15, 2011 the ADA has defined a service animal as “a dog that is individually trained to do work or perform tasks for a person with a disability.” The ADA also made a separate provision for miniature horses weighing less than 100 lbs. This definition does not affect the broader definition of an “assistance animal” under the Fair Housing Act, nor does it affect the broader definition of “service animal” under the Air Carrier Access Act.

In 2013, the New Mexico Legislature passed SB320 which aligns with the changes in the ADA. Therefore the dog or miniature horse must perform tasks for a person with a disability and directly related to that disability, such as alerting a Deaf or Hard of Hearing individual to the doorbell, phone, or intruder.

The law does not include emotional support animals, companion animals or therapy animals that do not provide a service.

Service Animals in Public Places

Under the Americans with Disabilities Act (ADA) and NM State Law, service animals are allowed in public places and wherever the general public is allowed to go. This would include restaurants, movie theaters, grocery stores and hospital rooms. Any business that displays a “no pets” sign still must comply, because the service animal is not a pet. The only exclusions are when a service animal would compromise a sterile environment, such as a burn unit or operating room.

The service animal must be housetrained and well behaved. A dog that barks during a performance can be asked to leave as the animal is preventing other people from enjoying the entertainment. Other unacceptable behavior would be jumping on people or running away from the owner. If the animal has caused damage to public property, the owner may be found liable. A service animal must also be leashed, harnessed or tethered unless that would interfere with the work the animal provides. If that is the case, the animal still must be controlled by the person with the disability by voice, sign language or signals.

Does a service animal have to be certified?

The ADA does not require the animal to have any certification or wear any special harness or vest. However, a harness or vest identifying the animal as a service animal is a good idea because it makes the public aware that the animal is working and has the right to be in public.

Business owners may not ask to see any papers identifying the dog or miniature horse as a service animal, but are permitted to ask if the animal is required because of a disability and, what tasks the animal performs. Questions about the disability or proof of disability should not be asked.

Misrepresenting an animal as a service animal

New Mexico's revised Service Animal Act also made it a misdemeanor to misrepresent an animal as a service animal and if found guilty, the penalty is a fine up to \$1,000 and/or 364 days in jail.

Where can a Deaf or Hard of Hearing Person obtain a Hearing Dog?

A Fresh Perspective Dog Training

(They will train your dog to be a service dog. If you don't have one, they will help you pick one from one of the local no-kill rescues.)

2003 Southern Blvd. SE #102-85, Rio Rancho, NM 87124

Website: <http://www.afreshperspectivedogtraining.com> ; phone: (505)604-6367

Other organizations that rescue dogs and train them to become hearing dogs:

International Hearing Dog, Inc.

5901 E. 89th Ave.

Henderson, CO 80640

Website: www.ihdi.org; phone: (303)287-3277 V/TTY

Dogs for the Deaf

10175 Wheeler Rd.

Central Point, OR 97502

Website: www.dogsforthedeaf.org; phone: 1-800-990-3647

For more information on laws regarding service animals:

<http://www.nmlegis.gov/Sessions/13%20Regular/final/SB0320.pdf>

http://www.ada.gov/service_animals_2010.htm

or contact the ADA Information Line at 800-514-0301 V; 800-514-0383 TDD