

28-11-1.1. Short title.

Chapter

28,

Article

11

NMSA 1978 may be cited as the "Service Animal Act".

History: Laws 2005, ch. 224, § 1; 2013, ch. 57, § 1.

28-11-1.1. Short title. (2013) frame end

28-11-2 . Definitions.

As used in the Service Animal Act:

A. "emotional support animal", "comfort animal" or "therapy animal" means an animal selected to accompany an individual with a disability that does not

work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability;

B. "qualified service animal" means any qualified service dog or qualified service miniature horse that has been or is being trained to provide assistance

to an individual with a disability; but "qualified service animal" does not include a pet, an emotional support animal, a comfort animal or a therapy animal;

C. "qualified service dog" means a dog that has been trained or is being trained to work or perform tasks for the benefit of an individual with a disability

who has a physical or mental impairment that substantially limits one or more major life activities; and

D. "qualified service miniature horse" means a miniature horse that has been trained or is being trained to work or perform tasks for the benefit of

an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities.

History: Laws 1989, ch. 242, § 1; 1999, ch. 262, § 1; 1999, ch. 288, § 1; 2005, ch. 224, § 2; 2013, ch. 57, § 2.

28-11-2. Definitions. (2013) frame end

28-11-3 . Admittance of qualified service animal.

A. Notwithstanding any other provision of law:

(1) a person with a disability who is using a qualified service animal shall be admitted to any building open to the public and to all other public accommodations

and shall be allowed access to all common carriers; provided that the qualified service animal is under the control of an owner, a trainer or a handler

of the qualified service animal. A person shall not deny an individual with a qualified service animal entry to a building open to the public or to any

public accommodation or deny access to a common carrier, regardless of any policy of denying to pets entry to that building, public accommodation or common

carrier. A person shall not be required to pay any additional charges for the qualified service animal, but may be liable for any damage done by the qualified

service animal; provided that persons without disabilities would be liable for similar damage; and

(2) in an emergency requiring transportation or relocation of the owner or trainer of the qualified service animal, to the extent practicable, accommodations

shall be made for the qualified service animal to remain or be reunited with the owner, trainer or handler. When accommodations cannot be made for allowing

the qualified service animal to remain with the owner, trainer or handler, the qualified service animal shall be placed pursuant to instructions provided

by the owner, trainer or handler.

B. This section does not require a public accommodation or common carrier to permit an owner, trainer or handler using a qualified service animal to

have access to a public accommodation or common carrier in circumstances in which the individual's use of the qualified service animal poses a direct threat

of significant harm to the health or safety of others.

History: Laws 1989, ch. 242, § 2; 1999, ch. 262, § 2; 1999, ch. 288, § 2; 2005, ch. 224, § 3; 2013, ch. 57, § 3.

28-11-3. Admittance of qualified service animal. (2013) frame end

28-11-4 . Penalty.

A. A person who violates a provision of the Service Animal Act is guilty of a misdemeanor and, upon conviction, shall be sentenced in accordance with

the provisions of Section

31-19-1

NMSA 1978.

B. Nothing in this section shall be construed to preclude any other remedy otherwise available pursuant to common law or other law of this state.

History: Laws 1989, ch. 242, § 3; 2005, ch. 224, § 4; 2013, ch. 57, § 4.

28-11-4. Penalty. (2013) frame end

28-11-5 . Findings and purpose; interference with qualified service animals prohibited; criminal and civil penalties.

A. The legislature finds that unrestrained animals constitute a danger to qualified service animals and public safety. The purpose of this section is

to protect persons with disabilities and qualified service animals from attack by unrestrained animals.

B. It is unlawful for any person, with no legitimate reason, to:

(1) intentionally interfere with the use of a qualified service animal by harassing or obstructing the owner, trainer or handler of the qualified service

animal or the qualified service animal; or

(2) intentionally fail or refuse to control the person's unrestrained animal, which animal interferes with or obstructs the owner, trainer or handler

of the qualified service animal.

C. The provisions of this section shall not apply to unrestrained animals 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, but not limited to, actual damages.

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

History: Laws 1999, ch. 113, § 1; 2005, ch. 224, § 5; 2013, ch. 57, § 5.

28-11-5. Findings and purpose; interference with qualified service animals prohibited; criminal and civil penalties. (2013) frame end

28-11-6. Prohibition of false presentation of animal as a qualified service animal.

A. A person shall not knowingly present as a qualified service animal any animal that does not meet a definition of "qualified service animal" pursuant

to Section

28-11-2

NMSA 1978. 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.

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

History: Laws 2013, ch. 57, § 6.

28-11-6. Prohibition of false presentation of animal as a qualified service animal. (2013) frame end