

CHAPTER 66
HB 1568-FN – FINAL VERSION

20Mar2014... 0887h
20Mar2014... 0917h

2014 SESSION

14-2064
08/03

HOUSE BILL ***1568-FN***

AN ACT relative to service animals.

SPONSORS: Rep. Schlachman, Rock 18; Rep. Wright, Carr 8; Sen. Carson, Dist 14

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

 This bill makes it a crime to impersonate a person with a disability in order to receive a service animal or service animal accessories.

 This bill also changes the evaluation test used to license service animals.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to service animals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 66:1 Prohibited Acts; Service Animals. Amend RSA 167-D:8, II-III to read as follows:

2 II. It is unlawful for any person to fit an animal with a collar, leash, ***vest, sign***, or harness of
3 the type which represents that the animal is a service animal, or service animal tag issued under
4 RSA 466:8 ***or to request a service animal tag issued under RSA 466:8*** if in fact said animal is
5 not ~~[and to thus use the animal to misrepresent the physical status of said person]~~ ***a service***
6 ***animal.***

7 III. It is unlawful for any person to willfully interfere or attempt to interfere with a service
8 animal.

9 ***IV. It is unlawful for any person to represent that such person has a disability or is***
10 ***a service animal trainer for the purpose of acquiring a service animal unless said person***
11 ***has a disability or is a service animal trainer and to impersonate, by word or action, a***
12 ***person with a disability for the purpose of receiving service dog accommodations or service***
13 ***animal accessories such as a collar, leash, vest, sign, harness, or service animal tag, which***
14 ***represents that the animal is a service animal or to acquire a service animal tag issued***
15 ***under RSA 466:8.***

16 66:2 Service Animal Trainers. Amend RSA 466:8, II to read as follows:

17 II. No fee shall be required for the registration and licensing of a service animal dog as
18 defined in RSA 167-D:1, IV. When registering and applying for a license for a dog that is a service
19 animal, the owner or trainer shall present an identification card issued by a recognized dog training
20 agency. If a dog has been trained by its owner and does not have an identification card issued by a
21 recognized dog training agency or school, in order to register and license a dog that is a service
22 animal, the dog shall ~~[pass the Assistance Dogs International Public Access Test administered]~~ ***meet***
23 ***the minimum training standards for public access as set by the International Association***
24 ***of Assistance Dog Partners as determined*** by a service animal trainer, as defined in RSA 167-
25 D:1, V, and the owner shall present a letter from a health care professional stating that the
26 individual requires the use of a service animal to perform tasks directly related to his or her
27 disability.

28 66:3 Service Animal Trainers. Amend RSA 167-D:1, V to read as follows:

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V. “Service animal trainer” means any person who is employed ~~[by or volunteers for an organization generally recognized by agencies involved in the rehabilitation of mobility impaired persons as reputable and competent to provide service animals with training, and who is actively involved in the training process]~~ **to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.**

66:4 Penalty. Amend RSA 167-D:10 to read as follows:

167-D:10 Penalty.

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to enhanced penalties in paragraphs II and III.

II. It is a misdemeanor if a person willfully causes physical injury to a service animal or willfully allows his or her animal to cause physical injury to a service animal. If the physical injury to a service animal is severe enough that a veterinarian or service animal trainer determines that the service animal is incapable of returning to service, that person shall be guilty of a class A misdemeanor.

III. In any case where a person is convicted of harming a service animal as described in paragraph II, he or she may be ordered by the court to make restitution to the person or agency owning the animal for any bills for veterinary care, the replacement cost of the animal if it is incapable of returning to service, and the salary of the service animal handler or trainer for the period of time his or her services are lost to the agency or self employment.

66:5 Effective Date. This act shall take effect January 1, 2015.

Approved: May 27, 2014

Effective Date: January 1, 2015