

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 167-D

SERVICE ANIMALS AND SEARCH AND RESCUE DOGS

Section 167-D:1

167-D:1 Definitions. – As used in this chapter:

I. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

II. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally, or customarily permitted or invited.

III. A "place of public accommodation" shall mean, but shall not be limited to, any tavern roadhouse, hotel, motel, or trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice, and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage; any public conveyance operated on land or water, or in the air, or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

IV. "Service animal" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

V. "Service animal trainer" means any person who is employed 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.

VI. "Search and rescue dog" means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, the department of safety, the department of fish and game, or the Federal Emergency Management Agency or its successor agency.

Source. 2011, 170:2, eff. Jan. 1, 2012. 2014, 66:3, eff. Jan. 1, 2015.

Section 167-D:2

167-D:2 Service Animal Duties. –

I. The work or tasks performed by a service animal shall be directly related to the handler's disability. Work and tasks may include, but is not limited to:

- (a) Assisting individuals who are blind or have low vision with navigation and other tasks.
- (b) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
- (c) Providing nonviolent protection or rescue work.
- (d) Pulling a wheelchair.
- (e) Assisting an individual during a seizure.
- (f) Alerting individuals to the presence of allergens.
- (g) Retrieving items such as medicine or a telephone.

(h) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

(i) Helping persons with psychiatric and neurological disability by preventing or interrupting impulsive or destructive behaviors.

II. The crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this chapter.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:3

167-D:3 Private Clubs, Etc. – Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry, or disability in admission of students.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:4

167-D:4 Service Animals May Accompany. – It is lawful for any service animal to accompany his or her handler or trainer into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:5

167-D:5 Application of RSA 167-D:4 to Search and Rescue Dogs. – The provisions of RSA 167-D:4 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:6

167-D:6 Service Animal Trainer. – A service animal trainer, while engaged in the actual training process and activities of such animals, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to persons with disabilities using a service animal.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:7

167-D:7 Licensing. – Service animals shall be licensed as provided in RSA 466.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:8

167-D:8 Prohibited Acts. –

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a service animal's handler or trainer who otherwise complies with the limitations applicable to persons without disabilities.

II. It is unlawful for any person to fit an animal with a collar, leash, vest, sign, or harness of the type which represents that the animal is a service animal, or service animal tag issued under RSA 466:8 or to request a service animal tag issued under RSA 466:8 if in fact said animal is not a service animal.

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

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

Source. 2011, 170:2. 2012, 211:2, eff. Aug. 12, 2012. 2014, 66:1, eff. Jan. 1, 2015.

Section 167-D:9

167-D:9 Nonuse of Service Animal. – A person with a disability not using a service animal in any of the places, accommodations, or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of a person with a disability to use a service animal in those places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

Source. 2011, 170:2, eff. Jan. 1, 2012.

Section 167-D:10

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.

Source. 2011, 170:2, eff. Jan. 1, 2012. 2014, 66:4, eff. Jan. 1, 2015.