

New Hampshire

SUMMARY

The following statutes comprise New Hampshire's pertinent service animal laws. These statutes provide Misdemeanor penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide criminal penalties for interfering with, injuring, or killing a service animal. It is also a misdemeanor offense to misrepresent an untrained dog as a service animal.

Date last checked: February 2021

466:8 Exemption From.

I. No fee shall be required for the registration and licensing of a dog which has served with the armed forces of the United States and has received an honorable discharge therefrom.

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

III. The owner of a dog that is a service animal may elect for the registration and licensing of such dog to be permanent and not subject to annual renewal so long as such dog has met the requirements of this section.

IV. For the purpose of this section, the town clerk of each town or municipality shall determine the process by which permanently registered dogs that are service animals will be tracked for town purposes and ensure that town service animal owners are not required to participate, in any way, with an annual renewal of such dog's registration or licensing. In cases of change of town of residency, the service animal owner shall re-register the dog at no cost. If the owner has elected to obtain a tag through the governor's commission on disability as set forth in paragraph V, the owner shall let the governor's commission on disability know of any change in town of residency.

V. Certificates and tags stamped "G C D--Permanent Registration" with a registration number shall be issued by the governor's commission on disability to those who wish to affix such a tag on their service animal's collar after registering the dog under paragraph II. Tags and certificates may be obtained directly from the governor's commission on disability which will verify with the town clerk that such dog has met the requirements under paragraph II and is duly registered and licensed by the town of residency. Tags issued by the governor's commission on disability shall not be used to verify the legitimacy or authenticity of a service animal for any purpose.

VI. Upon the death or retirement of a service animal, the owner or person in possession of the service animal tag shall immediately return the tag to the governor's commission on disability.

VII. The tag identifying a service animal shall be used only by an eligible service animal, as defined in RSA 167-D:1, IV.

VIII. The owners and trainers of dogs that are service animals shall comply with all state and local ordinances regarding rabies certification under RSA 436:102 and RSA 466:1-a.

Title I. The State and Its Government (Ch. 1 to 21-U). Chapter 5.

Department of State. Department and Secretary of State

5:15-b Materials for Businesses Relative to Service Animals.

The secretary of state shall coordinate with the governor's commission on disability to develop, prepare, and make available to businesses upon request:

I. A decal suitable for posting in a front window or door stating that service animals are welcome and that misrepresentation of an animal as a service animal is a violation of RSA 167-D:8.

II. Materials including permissible questions a business owner may ask in order to determine whether an animal is a service animal, guidelines for compliance with the Americans with Disabilities Act for the business owner, and information on the Americans with Disabilities Act. Such materials shall also contain language stating that persons who have non-apparent disabilities such as asthma or allergies to animals may also be protected by the Americans with Disabilities Act. Such materials shall also contain information about the penalties for misrepresentation of a dog as a service dog under RSA 167-D.

Credits

Source. 2019, 56:1, eff. Aug. 4, 2019.

Revised Statutes Annotated of the State of New Hampshire. Title I. The State and Its Government. Chapter 21-P. Department of Safety. Division of Emergency Services, Communications, and Management. 21-P:37-a State Policy for Service Animals.

In cases of emergency, it shall be the policy of the state that service animals shall not be separated from the persons they serve. Every effort shall be made to keep service animals and the persons they serve together, and all appropriate state emergency planning and state sponsored emergency training shall be based on such assumptions.

HISTORY

Source. 2006, 230:2, eff. July 31, 2006.

Title XII. Public Safety and Welfare. Chapter 167-D. Hearing Ear Dogs, Guide Dogs, Service Dogs, and Search and Rescue Dogs. 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.

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.

HISTORY

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

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.

HISTORY

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

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.

HISTORY

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

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.

HISTORY

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

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.

HISTORY

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

167-D:7 Licensing

Service animals shall be licensed as provided in RSA 466.

HISTORY

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

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.

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.

HISTORY

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

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.

Title XXI. Motor Vehicles. Chapter 265. Rules of the Road. Pedestrians' Rights and Duties.

265:41-a Approaching a Service Animal.

The driver of a vehicle approaching a person using a service animal shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

HISTORY

Source. 1983, 275:3, eff. Aug. 17, 1983. 2011, 170:5, eff. Jan. 1, 2012.

Title XXXIV. Public Utilities (Ch. 362 to 382). Chapter 376-a. Transportation Network Company

376-A:15 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

Credits

Source. 2016, 290:1, eff. June 21, 2016.

