

I MINA' TRENTAI KUATTRO LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 17-34 (COR)

Introduced by:

Dennis G. Rodriguez, Jr. 

Joe S. San Agustin 

**AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 34 OF
DIVISION 2, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING GUIDELINES FOR ANIMAL
ASSISTED INTERVENTIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the “Animal Assisted Intervention Act of 2017.”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the benefits of Animal Assisted Interventions (AAI) is well established and would be a benefit to the people of Guam. *I Liheslaturan Guåhan* further recognizes that the human animal bond has existed for thousands of years and this relationship is of significant importance for veterinary medicine and human health and wellbeing. A great deal of empirical evidence exists in many activities from health care, rescue, detection, mental health and the list continues to grow as new ways are found to incorporate animals into the human experience. *I Liheslaturan Guåhan* also recognizes the medical and psychological aspects of AAI’s. Specifically, the use of therapy dogs shows measureable improvements in the condition of the human patient in cancer treatment, autism spectrum disorders, and post-traumatic stress disorder (PTSD). In addition, the use of search and rescue dogs has saved countless lives during disasters. *I Liheslaturan Guåhan* recognizes that several states are beginning to fund, codify and formalize animal assisted interventions as a cost

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1 effective measure in many areas of the community. *I Liheslaturan Guåhan* further
2 recognizes the need for a system approach to the success of animal assisted
3 interventions.

4 *I Liheslaturan Guåhan* finds that it is important to understand there are
5 different levels of therapeutic dog support. The first level of Animal Assisted
6 Interventions is labeled as “Animal-Assisted Activities” (AAA) and is the “beginner
7 level” for therapy work. The activities are social and relaxed, without specific goals
8 except to brighten the day and encourage the person visited. A common example of
9 this is hospital visitation dogs or reading dogs.

10 A second level, called “Animal-Assisted Therapy” (AAT) involves specific
11 goals for the patient or client, and by definition includes someone (usually a physical
12 therapist or other medical professional) who defines the goals, and works with the
13 dog’s handler to make progress toward reaching the goals, and records the process.
14 The typical therapy visit is about an hour in length, arranged in advance, and often
15 the handlers and dogs repeat their visits on a regular basis (weekly or monthly),
16 which means the dogs get acclimated to the facility.

17 Both levels are supported by most of the therapy animal registries, and their
18 training processes and evaluations are geared to identify dogs that can succeed doing
19 this work.

20 It is therefore the intent of *I Liheslaturan Guåhan* to establish in law the
21 framework for the advancement of animal assisted interventions. From this
22 framework is the expectations of future enhancements as new ways are found to
23 improve the quality of care to our people using animals.

24 **Section 3.** A new Article 4 is *added* to Chapter 34 of Division 2, Title 10,
25 Guam Code Annotated, to read:

1 **Article 4.**

2 **Animal Assisted Interventions**

3 §34401. Definitions.

4 §34402. Promulgation of Rules within Government Agencies.

- 5 • Department of Agriculture; lead oversight agency;
- 6 • Guam Housing and Urban Renewal Authority;
- 7 • Guam Memorial Hospital;
- 8 • Department of Public Health and Human Services;
- 9 • Guam Department of Education;
- 10 • Department of Corrections; and
- 11 • Guam Office of the Attorney General

12 §34403. Issuance and Renewal of Certificates.

13 §34404. Access to Public Spaces.

14 §34405. Recognition of Community Organizations.

15 §34406. Penalties and Fines.

16 **§ 34401. Definition of Terms.**

17 For the purpose of this Article and any promulgation of organizational rules,
18 policies and processes, the following definitions of terms shall apply:

19 (a) “*Animal Assistance*” is defined as assistance given to human endeavors
20 by dogs. It is a dog that has been individually trained to do work or perform tasks
21 for the benefit of an individual. This is a broad term that covers therapy dogs, service
22 dogs and other type of animals, commonly used to describe the utilization of various
23 species of animals in diverse manners beneficial to humans. Areas include, but are
24 not limited to, search and rescue operations, improvement in cognitive functioning,

1 emotional support, assistance to visually impairment, and similar activities. See
2 specific definitions:

3 (1) “*Animal-assisted activity*” (AAA) means an activity that involves a team
4 consisting of a handler and therapy dog interacting with individuals in
5 Guam; this is considered the lowest level of Animal Assisted Intervention
6 and usually consists of visitation type dogs;

7 (2) “*Animal-assistance Community*” (AAC) means the local or regional
8 entities capable of providing animal-assisted therapy, service dog actions
9 or animal-assisted activities to individuals within the territory; Animal-
10 assisted Community are duly registered Guam based non-profit, private
11 and government organizations with a mission that supports animal assisted
12 interventions;

13 (3) “*Animal-assisted therapy*” (AAT) means goal-directed intervention in
14 which a team consisting of a therapist, as defined in subsection (h), and a
15 therapy animal, or a therapist handler and a therapy animal, is used as an
16 integral part of the therapy process to aid individuals who
17 have experienced mental, physical or emotional trauma, witnessed, or have
18 been a victim of, an act of violence, or behavioral health care needs;

19 (4) “*Animal-assisted education*” (AAE) is a planned and structured
20 intervention directed and/or delivered by educational and related service
21 professional with specific academic or educational goals;

22 (5) “*Assistance animal trainee*” means an animal that is undergoing a course
23 of development and training to do work or perform tasks for the benefit of
24 an individual that directly relate to the disability of the individual;

25 (6) “*Assistance animal trainer*” means an individual exercising care, custody
26 and control over an assistance animal trainee during a course of training
27 designed to develop the trainee into an assistance animal;

1 (7) “*Animal-assisted activity organization*” means any entity involved in
2 training or incorporating dogs within the animal-assisted activity
3 community; and

4 (8) “*Assistance Dogs*” or a similar term is “*therapy dog*”. Assistance dogs
5 are animals trained to assist professionals by improving the quality of their
6 work. For the purpose of clarity, the term “therapy dog” will be used.
7 Assistance dogs and therapy dogs are not “service dogs” and do not have
8 the public access freedom afforded under the Americans with Disabilities
9 Act.

10 (b) “*Disability*” has the meaning stated in the federal Americans with
11 Disabilities Act of 1990, 42 U.S.C. § 12102.Division (ADA, as amended), to
12 include, but not limited to, the following:

13 (1) “*Blind*” means a visual acuity not exceeding 20/200 in the better eye with
14 corrective lenses; or a visual field of which the widest diameter subtends
15 an angle of not more than 20 degrees;

16 (2) “*Deaf*” means a permanent hearing loss that necessitates the use of
17 amplification devices to hear oral communication; or for which
18 amplification devices are ineffective; and

19 (3) “*Mobility impaired*” means an inability to carry objects or to move or
20 travel without the use of an assistive device or service animal.

21 (c) “*Companion Dogs/Pet*” means dogs/animals that are trained to be
22 obedient and loyal pets. The presence of a dog for comfort, protection or personal
23 defense does not qualify a dog as being trained to mitigate an individual's disability
24 and therefore does not qualify the dog as a service dog covered under the provisions
25 of the ADA or as a therapy or a professional working dog.

1 (d) *“Place of public accommodation”* means a place of public
2 accommodation as defined by the Americans with Disabilities Act as businesses,
3 organizations and government agencies that serve the public. Any place or service
4 offering to the public accommodations, advantages, facilities or privileges whether
5 in the nature of goods, services, lodgings, amusements, transportation or otherwise.
6 A place of public accommodation is any place that is open to the public and owned
7 or maintained by a public body, regardless of whether the place is commercial in
8 nature. The term does not include air carriers covered by the Air Carrier Access Act
9 of 1986, 49 U.S.C. s. 41705, and by regulations adopted by the United States
10 Department of Transportation to implement such act.

11 (e) *“Prison Dog Program”* is a community service project and means a
12 partnership between the Guam Department of Corrections with an Animal Assisted
13 Activity Organization(s) to provide training to homeless dogs in order to (A)
14 improve the adoptability of the dog, (B) take advantage of the social/psychological
15 benefits of animal therapy for the inmate, (C) aid in the reduction of stray dogs, and
16 (D) benefit the community. In relationship to a Guam Prison Dog program the
17 following definitions apply:

- 18 (1) Dog Bite means oral contact by a dog that scratches or breaks the skin;
19 (2) Dog Trainer I – An inmate who has been properly screened and assigned
20 to serve as the substitute or secondary handler and trainer for an assigned
21 dog in a Prison Dog Training Program.
22 (3) Dog Trainer II – An inmate who has been properly screened and assigned
23 to serve as the primary handler and trainer for an assigned dog through the
24 Prison Dog Training Programs.

1 (4) Facility Primary Program Coordinator is a Department of Corrections
2 employee designated by the facility head to manage and coordinate all
3 aspects of a Prison Dog Training Program at the facility level.

4 (5) Facility Secondary Program Coordinator is an employee who is designated
5 to be responsible for managing and coordinating the program in the
6 absence of the Primary Coordinator.

7 (6) Home Furlough is a brief period of time when a volunteer is allowed to
8 take a dog that is in a Prison Dog Training Program to their home or into
9 the community for socialization or other supportive community training as
10 may be required or needed as a part of the overall training program. Upon
11 conclusion of the furlough, the dog is returned to the prison facility.

12 (7) Volunteer Inmate Trainer – An inmate who has requested and been
13 approved to participate and provide services in a Prison Dog Training
14 program on a voluntary basis. The inmate volunteer meets all of the
15 program participation criteria for his or her services.

16 (8) Volunteer Trainer – Professional trainer recommended by the Animal
17 Assisted Activity Organization and approved by the facility who
18 volunteers their time to teach the Dog Trainer I and Dog Trainer II
19 appropriate methods and techniques of training dogs. All volunteer must
20 adhere to the Department of Corrections Community Volunteer Program
21 policy.

22 (f) “*Service Dogs*”, for the purpose of this Article and in accordance with
23 the Americans with Disabilities Act (ADA), as amended by the September 15, 2010
24 Regulations, define a service animal as any dog that is individually trained to do
25 work or perform tasks for the benefit of an individual with a disability, including a
26 physical, sensory, psychiatric, intellectual, or other mental disability. The work done

1 or tasks performed must be directly related to the individual's disability and may
2 include, but are not limited to, guiding an individual who is visually impaired or
3 blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair,
4 assisting with mobility or balance, alerting and protecting an individual who is
5 having a seizure, retrieving objects, alerting an individual to the presence of
6 allergens, providing physical support and assistance with balance and stability to an
7 individual with a mobility disability, helping an individual with a psychiatric or
8 neurological disability by preventing or interrupting impulsive or destructive
9 behaviors, reminding an individual with mental illness to take prescribed
10 medications, calming an individual with post-traumatic stress disorder (PTSD)
11 during an anxiety attack, or doing other specific work or performing other special
12 tasks. The crime-deterrent effect of an animal's presence and the provision of
13 emotional support, well-being, comfort, or companionship do not constitute work or
14 tasks for purposes of this definition. For the purposes of this Article, a service dog
15 is not generally a pet, although some are also treated as a pet. Other species of
16 animals, whether wild or domestic, trained or untrained, are not service animals for
17 the purposes of this definition, consistent with 28 C.F.R., Part 35, § 35.104 and
18 Chapter I, Part 36, Subpart A, § 36.104 (2010 Title II ADA Regulation). Service
19 dogs are permitted, in accordance with the ADA, to accompany a person with a
20 disability almost anywhere the general public is allowed. This includes restaurants,
21 businesses and on airplanes. Types of Service Dogs include:

- 22 (1) Guide Dog guides a person who is blind or visually impaired;
- 23 (2) Hearing Dog alerts a person who is deaf or hearing impaired to sounds
24 such as door bells, smoke alarms and alarm clocks;
- 25 (3) Medical Alert Dog is a dog that notifies a person of a change in body
26 chemistry that may indicate a health concern, such as low or high blood

1 sugar for a person with diabetes, or that a seizure is imminent for a person
2 with epilepsy;

3 (4) Mobility Dog assists a person in performing tasks such as opening doors,
4 picking up objects and pulling wheelchairs; provides stability to a person
5 with the aid of a special harness; and

6 (5) Psychiatric Service Dog assists a person with a psychiatric disorder such
7 as anxiety or PTSD. It is an important distinction of a psychiatric service
8 dog that it performs a specific task to assist its person, as is the case with
9 all service dogs. Some examples are: A person suffers from PTSD and is
10 prone to nightmares, and their service dog is trained to wake them from
11 their nightmares. A person suffers from PTSD and is not comfortable
12 venturing alone into public places, and their service dog is trained to move
13 in and stand as a barrier between them and anyone who approaches. A
14 person occasionally does something unconsciously which physically
15 harms themselves, such as pulling or picking at something, and their
16 service dog is trained to alert them to their actions. In each of these
17 examples if the dog was not trained to perform the task described, and it
18 was simply its calming presence that kept the person from having
19 nightmares, helped them feel comfortable venturing into public places, or
20 kept them from harming themselves, it would not qualify as a service dog.

21 (g) Professional Working Dog is a dog trained to do useful work. For
22 purposes of this Article, Professional Working Dogs (PWDs) are segregated into a
23 separate category from Therapy Dogs and Service Dogs. However, in the animal
24 assisted intervention community they are often included in certain categories. PWDs
25 are dogs that receive training to perform tasks in a variety of areas of human
26 endeavor. Unlike Service Dogs they do not enjoy access afforded by the Americans
27 with Disability Act, but they do have public access when performing their trained

1 task. For instance, a bomb sniffing dog has public access in airports or in instances
2 when searching for bombs. PWDs also tend not to have a therapeutic one to one
3 relationship with humans such as that with therapy dogs. It is distinguished from
4 service dogs and therapy dogs. Some examples of professional working dogs are:

5 (1) Search and rescue dog, which means a dog that is trained to locate lost or
6 missing persons, victims of natural or man-made disasters, and human
7 bodies;

8 (2) Tracking dog, which means a dog that is trained to track and find a missing
9 person, escaped inmate, or fleeing felon;

10 (3) Narcotic detection dog, which means a dog that is trained to locate
11 narcotics by scent;

12 (4) Patrol dog, which means a dog that is trained to protect a peace officer and
13 to apprehend a person; Accelerant detection dog, which means a dog that
14 is trained for accelerant detection, commonly referred to as arson canines;

15 (5) Bomb detection dog, which means a dog that is trained to locate bombs or
16 explosives by scent;

17 (6) Cadaver dog, which means a dog that is trained to find human remains;

18 (7) Herding dog is a dog trained to control other animals such as sheep; and

19 (8) Actor dog is a dog trained to perform in the arts.

20 (h) Therapist means any licensed (1) physician who specializes in
21 psychiatry, (2) psychologist or professional counselor, (3) marital and family
22 therapist, (4) clinical social worker or master social worker, (5) occupational
23 therapist, or (6) other mental health professional.

24 (i) Therapy dog means any dog trained to provide comfort to individuals
25 who have (1) experienced mental, physical or emotional trauma, (2) witnessed, or

1 has been a victim of, an act of violence, or (3) behavioral health care needs. A
2 therapy dog has no special rights of access, except in those facilities where they are
3 welcomed. They may not enter businesses with no pet's policies or accompany their
4 handler in the cabin of an airplane regardless of their therapy dog designation. Some
5 examples of therapy dogs include:

6 (i) Courthouse Companion Dog is a dog trained and used to facilitate
7 testimony in minors or mentally disabled within a court room setting.
8 Outside the courtroom, Courthouse Companion Dogs do not have a
9 public access clearance;

10 (ii) Emotional Support Dog means a dog that is trained and prescribed by
11 a therapist to provide therapeutic support to a person with a mental
12 illness by a licensed mental health professional for a person with a
13 mental illness. The prescription must state that the individual has an
14 impairment that substantially limits one or more major life activities,
15 and that the presence of the dog is necessary for the individual's
16 mental health. Per the ADA, individuals with emotional support dogs
17 do not have the same rights to public access as individuals with a
18 service dog. Emotional support dogs may only accompany their
19 owners in public areas with the express permission of each individual
20 venue and/or facility management. Emotional support dogs may
21 travel with their owner on an airplane and may live with their owner
22 in locations covered by the Fair Housing Amendments Act (FHAA)
23 regardless of a no pet's policy.

24 (iii) Reading Dog is a dog trained to facilitate reading skill improvement
25 in children.

26 (iv) Hospital dog is a dog trained to bring emotional comfort to persons
27 within the hospital or clinical setting.

1 (v) Facility Dog are dogs that are trained and prescribed by a therapist to
2 live on-site as a resident therapy dog and can be found at nursing
3 homes, residential facilities, group homes, or at many businesses. If a
4 therapy dog is a “familiar face” at a business, that qualifies as a
5 Facility Dog. Facility dogs do not have public access outside the
6 office or building where they work.

7 **§34402. Promulgation of Rules within Government Agencies.**

8 (a) Department of Agriculture (DOAg); Lead Oversight Agency. The
9 Director, Department of Agriculture working through the Territorial Veterinarian
10 shall assist agencies in the promulgation of rules and regulations and processes
11 pursuant to the Administrative Adjudication Law, as needed and required and related
12 to animal assisted interventions in the community:

13 (1) As required to ensure the health and wellness of animals used in AAI and
14 for the protection of the community;

15 (2) As required to provide for the full potential use of assistive animals.

16 (b) Guam Housing and Urban Renewal Authority (GHURA) - The Guam
17 Housing and Urban Renewal Authority shall establish or amend policies and
18 processes and following the U.S. Department of Housing and Urban Development
19 FHEO Notice FHEO-2013-01 including other related guidelines to support the
20 incorporation of animal-assisted interventions and service dogs within GHURA
21 housing units.

22 (c) Guam Memorial Hospital Authority (GMHA). The Board of Trustees
23 through the Administrator, Guam Memorial Hospital *shall* promulgate rules and
24 regulation pursuant to the Administrative Adjudication Law to establish policy and
25 processes to support the incorporation of animal assisted therapy, therapy dogs and
26 service dogs within the Guam Memorial Hospital.

1 (d) Department of Public Health and Social Services (DPHSS). The
2 Director, DPHSS *shall*, pursuant to the Administrative Adjudication Law, establish
3 policy and processes to support the incorporation of animal assisted Interventions
4 within DPHSS.

5 (e) Guam Department of Education (GDOE). The GDOE Board through
6 the Superintendent, GDOE *shall*, pursuant to the Administrative Adjudication Law,
7 establish policy and processes to support the incorporation of animal assisted
8 interventions in support of the GDOE mission.

9 (f) Department of Corrections- The Director, Department of Corrections,
10 *shall* establish policy and processes to establish a “Prison Dog Program”.

11 (g) Guam Attorney General. The Attorney General is encouraged to
12 examine the use of courthouse facility dogs to facilitate testimony within the scope
13 of the law. If deemed appropriate, the AG shall develop guidelines for the
14 incorporation of courthouse facility dogs. It is understood that the use of these dogs
15 may be amended by the judge presiding the case.

16 **§34403. Certification and licensure.**

17 Under U.S. federal law there are no standards or procedures for certifying a
18 service animal. Certification is not required as a condition of using an animal as a
19 service animal. However, the person using the animal must meet the legal definition
20 of "disability" (42 U.S. Code § 12102 - Definition of disability) and their dog must
21 be individually trained to perform tasks that mitigate the owner's disability.

22 Fake certification is an issue for the disabled community. These “fakers”
23 diminish the reputation of real teams by behaving inappropriately. Under federal
24 law, service animals don't need certification. A business may only verify an animal
25 is a service animal by asking (1) whether it is required because of the person's
26 disability and (2) what the dog is trained to do to mitigate that disability. They may

1 ask this regardless of whether a dog is "certified," and an owner who refuses to
2 answer can be barred from the facility.

3 A *license* is something that all dogs are required to have. All categories of
4 service animals, therapy dogs or professional working dogs are not exempt from any
5 licensing requirements pursuant to Guam law as provided pursuant to 10 GCA
6 §34102 Pet License Required, and other applicable laws, rules and regulations.

7 Owners and handlers of service dogs, professional working dogs and therapy
8 dogs when used in interventions are encouraged to use specific identification, in an
9 adequate form and design (such as a vest).

10 **§34404. Access to Public Spaces.**

11 Under the Americans with Disabilities Act (ADA), businesses and organizations
12 that serve the public must allow people with disabilities to bring their service
13 animals into all areas of the facility where customers are normally allowed to go.
14 This federal law applies to all businesses open to the public, including restaurants,
15 hotels, taxis and shuttles, grocery and department stores, hospitals and medical
16 offices, theaters, health clubs, parks, and zoos. Refer to 28 CFR § 36.302 for
17 additional information. Access to facilities by service dogs accompanying
18 individuals with disabilities is controlled by 40 U.S.C. 3103, which states: "Guide
19 dogs or other service animals accompanying individuals with disabilities and
20 especially trained and educated for that purpose shall be admitted to any building
21 or other property owned or controlled by the Federal or Local Government on the
22 same terms and conditions, and subject to the same regulations, as generally govern
23 the admission of the public to the property.

24 (1) Individuals with disabilities *shall* be permitted to be accompanied by their
25 service animals in all areas of a place of public accommodation where

1 members of the public, program participants, clients, customers, patrons, or
2 invitees, as relevant, are allowed to go.

3 (2) A public accommodation *shall* not ask about the nature or extent of a person's
4 disability, but may make two inquiries to determine whether an animal
5 qualifies as a service animal. A public accommodation may ask if the animal
6 is required because of a disability and what work or task the animal has been
7 trained to perform. A public accommodation shall not require documentation,
8 such as proof that the animal has been certified, trained, or licensed as a
9 service animal. Generally, a public accommodation may not make these
10 inquiries about a service animal when it is readily apparent that an animal is
11 trained to do work or perform tasks for an individual with a disability (*e.g.*,
12 the dog is observed guiding an individual who is blind or has low vision,
13 pulling a person's wheelchair, or providing assistance with stability or balance
14 to an individual with an observable mobility disability).

15 (3) People with disabilities who use service animals cannot be charged extra fees,
16 isolated from other patrons, or treated less favorably than other patrons.
17 However, if a business such as a hotel normally charges guests for damage
18 that they cause, a customer with a disability may be charged for damage
19 caused by his or her service animal. A person with a disability cannot be
20 asked to remove his service animal from the premises unless:

21 (i) The animal is out of control and the animal's owner does not take
22 effective action to control it (for example, a dog that barks repeatedly
23 during a movie); or

24 (ii) The animal poses a direct threat to the health or safety of others; and

25 (iii) In these cases, the business should give the person with the disability
26 the option to obtain goods and services without having the animal on
27 the premises.

- 1 (4) Businesses that sell or prepare food must allow service animals in public areas
2 even if other Guam law, health code or policy prohibits animals on the
3 premises.
- 4 (5) A business is not required to provide care or food for a service animal or
5 provide a special location for it to relieve itself.
- 6 (6) Allergies and fear of animals are generally not valid reasons for denying
7 access or refusing service to people with service animals.
- 8 (7) No-Pets Housing: The Fair Housing Act (FHAct) allows that a person may
9 keep a service dog in housing with a "no pets" policy. Note, however, that it
10 only requires that housing providers make reasonable accommodations for
11 persons with service dogs. The Fair Housing Act does not apply to hotels and
12 motels or other facilities lodging transient guests.
- 13 (8) Airplanes: The Air Carrier Access Act (ACAA) of 1986, 49 U.S.C. s. 41705
14 allows that a service dog may travel with its owner on an airplane.
- 15 (9) If a place of public accommodation or of access to government services,
16 programs or activities customarily charges a person for damages that the
17 person causes to the place, the place may charge a person with a disability or
18 an assistance animal trainer for damages that an assistance animal or
19 assistance animal trainee causes to the place.
- 20 (10) A person with a disability or an assistance animal trainer must maintain
21 control of an assistance animal or assistance animal trainee. Except as
22 provided in this subsection, control shall be exerted by means of a harness,
23 leash or other tether. If the use of a harness, leash or other tether would
24 interfere with the ability of the animal to do the work or perform the tasks for
25 which the animal is trained or is being trained, control may be exerted by the
26 effective use of voice commands, signals or other means. If an animal is not
27 under control as required in this subsection, a place of public accommodation

1 or of access to government services, programs or activities may consider the
2 animal to be out of control for purposes of this section.

3 (11) Except as provided in this subsection, a place of public accommodation or
4 of access to government services, programs or activities may not deny a
5 person with a disability or an assistance animal trainer the right to be
6 accompanied by an assistance animal or assistance animal trainee in any area
7 of the place that is open to the public or to business invitees. A place of public
8 accommodation or of access to government services, programs or activities
9 may require a person with a disability or an assistance animal trainer to
10 remove an assistance animal or assistance animal trainee if: the animal is not
11 housebroken; or the animal is out of control and effective action is not taken
12 to control the animal.

13 (12) A place of public accommodation or of access to government services,
14 programs or activities may impose legitimate requirements necessary for the
15 safe operations of the place of public accommodation or the services,
16 programs or activities. The place of public accommodation or of access to
17 government services, programs or activities shall ensure that the safety
18 requirements are based on actual risks, not on speculation, stereotypes or
19 generalizations about persons with disabilities.

20 (13) A place of public accommodation or of access to government services,
21 programs or activities shall make reasonable modifications as necessary to
22 allow an opportunity for a person with a disability who is benefited by the use
23 of an assistance animal to obtain goods, services and the use of the advantages,
24 facilities and privileges of the place or the advantages, facilities and privileges
25 of the government services, programs or activities. For purposes of this
26 subsection, except as provided in subsections (6) and (8) of this section, in

1 addition to any other applicable accommodation requirement, allowing the
2 presence of the assistance animal is a reasonable modification.

3 (14) If a place of public accommodation or of access to government services,
4 programs or activities requires a person with a disability to remove an
5 assistance animal under subsection (6) of this section, the place shall give the
6 person with a disability a reasonable opportunity to obtain goods, services and
7 the use of the advantages, facilities and privileges of the place or the
8 advantages, facilities and privileges of the government services, programs or
9 activities without the assistance animals presence.

10 (15) A place of public accommodation or of access to government services,
11 programs or activities is not required to provide care or supervision for an
12 assistance animal or assistance animal trainee.

13 (16) A voter who requires the assistance of a service animal is entitled to bring
14 the animal into the polls and the voting booth.

15 (17) The protection granted under this section to a person with a disability or an
16 assistance animal trainer does not invalidate or limit the remedies, rights and
17 procedures of any other federal or local laws that provide equal or greater
18 protection of the rights of a person with a disability, an assistance animal
19 trainer or individuals associated with a person with a disability.

20 (18) A place of public accommodation does not include:

21 (i) The Department of Corrections;

22 (ii) Department of Youth Affairs ;

23 (iii) A local Guam Police Department lockup; and

24 (iv) An institution, bona fide club or place of accommodation that is in its
25 nature distinctly private.

26 **§34405. Recognition of Community Organizations.**

1 Duly qualified members of the Animal Assistance Community, as defined
2 pursuant to § 34401(a)(2), desiring recognition in the community should follow
3 established processes to become a non-governmental organization, a not-for-profit,
4 or private business entity, and be recognized as a Guam Animal Assisted
5 Organization(s) that will work with DOAg and other Government agencies in the
6 further development of AAI programs by providing information and
7 recommendations in the development of rules and regulations pursuant to the
8 Administrative Adjudication Law, as provided pursuant to §34402.

9 **§34406. Penalties and Fines.**

10 The Americans with Disabilities Act provides that the owners or operators of
11 a place of public accommodation cannot deny access to the facility to a disabled
12 person with a service animal or service animal trainee, except under very specific
13 circumstances.

14 (a) Violators of the ADA can be required to pay money damages and
15 penalties. The following ADA fine fee schedule is in effect, and *shall* be deemed
16 adopted and applicable to Guam, as follows:

17 (1) For a first (1st) offense: A fine of One Thousand Dollars (\$1,000.00);

18 (2) For a second (2nd) offense: A fine of Two Thousand Dollars (\$2,000.00);

19 and

20 (3) For subsequent offenses: A fine of Five Thousand Dollars (\$5,000. 00).

21 (b) It is unlawful for a person to fraudulently misrepresent an animal as a
22 service animal or service animal in training. Fraudulent Representation *shall* be a
23 misdemeanor violation for any person to knowingly verbally misrepresent or affix
24 to any dog any false or improper identification tag, special identification tag for
25 identifying guide, service or hearing dogs license tag, and the following fine fee
26 schedule *shall* be deemed adopted and applicable to Guam, as follows:

- 1 (1) For a first (1st) offense: A fine of One Thousand Dollars (\$1,000.00);
2 (2) For a second (2nd) offense: A fine of Two Thousand Dollars (\$2,000.00);
3 and
4 (3) For subsequent offenses: A fine of Five Thousand Dollars (\$5,000. 00).

5 (c) Violators of the place of public accommodation rules commit a
6 misdemeanor violation if: refuses access to a public accommodation, or charges a
7 fee for access to a public accommodation to person using service dog/service animal
8 trainer.

9 (d) Harassment of or interference with: Any person who knows or has
10 reason to know that an animal is a Professional Working Dog, Service Dog or
11 Therapy Dog and who *willfully* taunts, teases, harasses, delays, obstructs, or attempts
12 to delay or obstruct the animal in the performance of its duty as a Professional
13 Working Dog, Service Dog or Therapy Dog *shall* be guilty of a misdemeanor in the
14 second degree.

15 (e) Serious harm to assistance animal: Any person who knows or has
16 reason to know that an animal is a Professional Working Dog, Service Dog or
17 Therapy Dog and who *willfully* causes or attempts to cause serious harm to the
18 animal *shall* be guilty of animal abuse in the first degree and subject to the penalties
19 contained in 9GCA, Ch. §70.10.1
20

21 (f) Killing of assistance animal: Any person who knows or has reason to
22 know that an animal is a law enforcement agency animal, an assistance animal, or a
23 search and rescue animal and who willfully kills the animal *shall* be guilty of animal
24 abuse in the first degree and subject to the penalties contained in 9GCA, Ch.
25 §70.10.1.

1 (g) Defendant convicted of violating this section *shall* also owe full
2 financial restitution to the owner which *shall* include, but is not limited to, the
3 following:

4 (1) Veterinary, medical care, and boarding expenses;

5 (2) Medical expenses for the person with the disability relating to the harm
6 inflicted upon the assistance animal;

7 (3) Replacement and training or retraining;

8 (4) Expenses incurred to provide temporary mobility services to the person
9 with a disability;

10 (5) Wages or income lost while assistance animal receiving training or
11 retraining; and

12 (6) Emergency medical treatment shall not be denied to an assistance dog
13 assigned to a person regardless of the person's ability to pay prior to
14 treatment, and the convicted person(s) *shall* be fully liable for the payment
15 for the medical treatment.”

16 **Section 4. Severability.** *If* any provision of this Act or its application to any
17 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
18 *not* affect other provisions or applications of this Act that can be given effect without
19 the invalid provisions or application, and to this end the provisions of this Act are
20 severable.

21 **Section 5. Effective Date.** This act shall become effective immediately
22 upon enactment.