

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
17-34 (COR)	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.	2/2/17 3:33 p.m.	02/07/17	Committee on Environment, Land, Agriculture, and Procurement Reform	3/6/17 10:00 a.m.	4/17/17 4:31 p.m.	Fiscal Note Request 2/7/17 Fiscal Note 2/21/17	
				Re-referred: 3/20/2017	Re-referred Committee: Committee on Health, Tourism, Military Affairs and Senior Citizens				
	SESSION DATE	TITLE	DATE PASSED	DATE AND TIME TRANSMITTED	DUE DATE	PUBLIC LAW	DATE SIGNED	NOTES	
4/24/17	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; TO BE KNOWN AND CITED AS "SEAVA'S ANIMAL ASSISTED INTERVENTION ACT OF 2017."	4/27/17	4/28/17 6:02 p.m. As amended on the Floor.	5/10/17	Public Law No. 34-07	5/10/2017	Received: 5/12/17 Mess and Comm. Doc. No. 34GL-17-0513		



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

MAY 12 2017.

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuáttro Na Liheslaturan Guáhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GL# 34-17-513
Speaker Benjamin J.F. Cruz

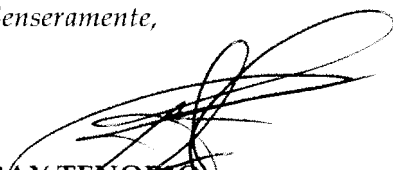
MAY 12 2017

Time: 5:05 AM PM File No. _____
Received By: [Signature]

Dear Mr. Speaker:

Transmitted herewith is Bill No. 17-34 (COR), "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; TO BE KNOWN AND CITED AS "SEAVA'S ANIMAL ASSISTED INTERVENTION ACT OF 2017," which was signed into law on May 10, 2017, as **Public Law 34-07**.

Senseramente,


RAY TENORIO
I Maga'láhen Guáhan, para pa'go
Acting Governor of Guam

2017 MAY 15 AM 8:17 KC

0513



Eddie Baza Calvo



@eddiebazacalvo



@governorcalvo

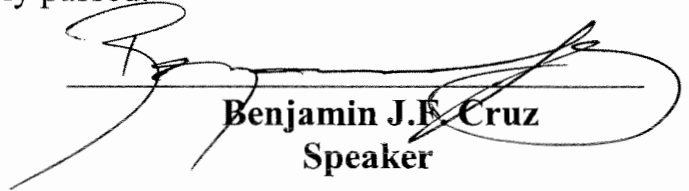


governorofguam

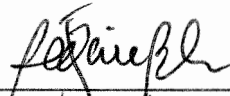
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 17-34 (COR)**, "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; TO BE KNOWN AND CITED AS "SEAVA'S ANIMAL ASSISTED INTERVENTION ACT OF 2017,"* was on the 27th day of April 2017, duly and regularly passed.

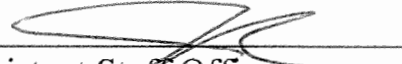

Benjamin J.F. Cruz
Speaker

Attested:

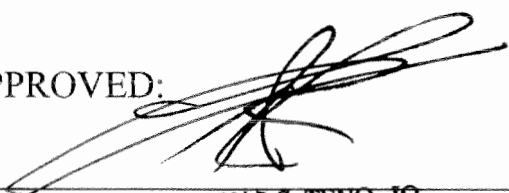


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 28 day of APRIL,
2017, at 6:02 o'clock P.M.

PO1 J. RECHNIK #735


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 10 2017
Public Law No. 34-07

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

Bill No. 17-34 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B.J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

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; TO BE KNOWN AND CITED AS “SEAVA’S ANIMAL ASSISTED INTERVENTION ACT OF 2017.”

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Short Title.** This Act *shall* be known and cited as “Seava’s
3 Animal Assisted Intervention Act of 2017.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that the benefits of Animal Assisted Interventions (AAI) are well established and

1 would be a benefit to the people of Guam. *I Liheslaturan Guåhan* further recognizes
2 that the human animal bond has existed for thousands of years and this relationship
3 is of significant importance for veterinary medicine and human health and wellbeing.
4 A great deal of empirical evidence exists in many activities from health care, rescue,
5 detection, and mental health; and the list continues to grow as new ways are found
6 to incorporate animals into the human experience. *I Liheslaturan Guåhan* also
7 recognizes the medical and psychological aspects of AAIs. Specifically, the use of
8 therapy dogs shows measureable improvements in the condition of the human
9 patient in cancer treatment, autism spectrum disorders, and post-traumatic stress
10 disorder (PTSD). In addition, the use of search and rescue dogs has saved countless
11 lives during disasters. *I Liheslaturan Guåhan* recognizes that several states are
12 beginning to fund, codify, and formalize animal assisted interventions as a cost-
13 effective measure in many areas of the community. *I Liheslaturan Guåhan* further
14 recognizes the need for a system approach to the success of animal assisted
15 interventions.

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

22 A second level, called “Animal-Assisted Therapy” (AAT), involves specific
23 goals for the patient or client, and by definition includes someone (usually a physical
24 therapist or other medical professional) who defines the goals, and works with the
25 dog’s handler to make progress toward reaching the goals, and records the process.
26 The typical therapy visit is about an hour in length, arranged in advance, and often

1 the handlers and dogs repeat their visits on a regular basis (weekly or monthly),
2 which means the dogs get acclimated to the facility.

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

6 It is, therefore, the intent of *I Liheslaturan Guåhan* to establish in law the
7 framework for the advancement of animal assisted interventions. From this
8 framework is the expectation of future enhancements in therapy as new ways are
9 found to improve the quality of care to our people using animals.

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

12 **“ARTICLE 4**

13 **ANIMAL ASSISTED INTERVENTIONS**

14 § 34401. Definitions.

15 § 34402. Promulgation of Rules Within Government Agencies.

16 § 34403. Certification and Licensure.

17 § 34404. Access to Public Spaces.

18 § 34405. Recognition of Community Organizations.

19 § 34406. Penalties and Fines.

20 **§ 34401. Definitions.**

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

23 (a) *Animal assistance* is defined as assistance given to human
24 endeavors by dogs. It is a dog that has been individually trained to do work or
25 perform tasks for the benefit of an individual. This is a broad term that covers
26 therapy dogs, service dogs, and other type of animals, commonly used to
27 describe the utilization of various species of animals in diverse manners

1 beneficial to humans. Areas include, but are not limited to, search and rescue
2 operations, improvement in cognitive functioning, emotional support,
3 assistance to visual impairment, and similar activities (see specific
4 definitions):

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

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

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

22 (4) *Animal-assisted education* (AAE) is a planned and
23 structured intervention directed and/or delivered by educational and
24 related service professional with specific academic or educational
25 goals;

26 (5) *Assistance animal trainee* means an animal that is
27 undergoing a course of development and training to do work or perform

1 tasks for the benefit of an individual that directly relate to the disability
2 of the individual;

3 (6) *Assistance animal trainer* means an individual exercising
4 care, custody and control over an assistance animal trainee during a
5 course of training designed to develop the trainee into an assistance
6 animal;

7 (7) *Animal-assisted activity organization* means any entity
8 involved in training or incorporating dogs within the animal-assisted
9 activity community; and

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

16 (b) *Disability* has the meaning stated in the federal Americans with
17 Disabilities Act of 1990, 42 U.S.C. § 12102 (ADA), as amended, to include,
18 but not be limited to, the following:

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

22 (2) *Deaf* means a permanent hearing loss that necessitates the
23 use of amplification devices to hear oral communication; or for which
24 amplification devices are ineffective; and

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

1 (c) *Companion dogs/pets* means dogs/animals that are trained to be
2 obedient and loyal pets. The presence of a dog for comfort, protection, or
3 personal defense does not qualify a dog as being trained to mitigate an
4 individual's disability and therefore does not qualify the dog as a service dog
5 covered under the provisions of the ADA or as a therapy or a professional
6 working dog.

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

18 (e) *Prison Dog Program* is a community service project and means
19 a partnership between the Guam Department of Corrections with an animal
20 assisted activity organization(s) to provide training to homeless dogs in order
21 to improve the adoptability of the dog; take advantage of the
22 social/psychological benefits of animal therapy for the inmate; aid in the
23 reduction of stray dogs; and benefit the community. In relationship to a Guam
24 Prison Dog Program the following definitions apply:

25 (1) *Dog bite* means oral contact by a dog that scratches or
26 breaks the skin;

1 (2) *Dog Trainer I* is an inmate who has been properly
2 screened and assigned to serve as the substitute or secondary handler
3 and trainer for an assigned dog in a Prison Dog Training Program.

4 (3) *Dog Trainer II* is an inmate who has been properly
5 screened and assigned to serve as the primary handler and trainer for an
6 assigned dog through the Prison Dog Training Program.

7 (4) *Facility Primary Program Coordinator* is a Department of
8 Corrections employee designated by the facility head to manage and
9 coordinate all aspects of a Prison Dog Training Program at the facility
10 level.

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

14 (6) *Home furlough* is a brief period of time when a volunteer
15 is allowed to take a dog that is in a Prison Dog Training Program to
16 their home or into the community for socialization or other supportive
17 community training as may be required or needed as a part of the overall
18 training program. Upon conclusion of the furlough, the dog is returned
19 to the prison facility.

20 (7) *Volunteer Inmate Trainer* is an inmate who has requested
21 and been approved to participate and provide services in a Prison Dog
22 Training Program on a voluntary basis, and the inmate volunteer meets
23 all of the program participation criteria for his or her services; and

24 (8) *Volunteer Trainer* is a professional trainer recommended
25 by the animal assisted activity organization and approved by the facility
26 who volunteers their time to teach the Dog Trainer I and Dog Trainer
27 II appropriate methods and techniques of training dogs. All volunteers

1 must adhere to the Department of Corrections Community Volunteer
2 Program policy.

3 (f) *Service dogs*, for the purpose of this Article and in accordance
4 with the Americans with Disabilities Act (ADA), as amended by the
5 September 15, 2010 Regulations, is any dog that is individually trained to do
6 work or perform tasks for the benefit of an individual with a disability,
7 including a physical, sensory, psychiatric, intellectual, or other mental
8 disability. The work done or tasks performed must be directly related to the
9 individual's disability and may include, but are not limited to, guiding an
10 individual who is visually impaired or blind, alerting an individual who is deaf
11 or hard of hearing, pulling a wheelchair, assisting with mobility or balance,
12 alerting and protecting an individual who is having a seizure, retrieving
13 objects, alerting an individual to the presence of allergens, providing physical
14 support and assistance with balance and stability to an individual with a
15 mobility disability, helping an individual with a psychiatric or neurological
16 disability by preventing or interrupting impulsive or destructive behaviors,
17 reminding an individual with mental illness to take prescribed medications,
18 calming an individual with post-traumatic stress disorder (PTSD) during an
19 anxiety attack, or doing other specific work or performing other special tasks.
20 The crime-deterrent effect of an animal's presence and the provision of
21 emotional support, well-being, comfort, or companionship do not constitute
22 work or tasks for purposes of this definition. For the purposes of this Article,
23 a service dog is not generally a pet, although some are also treated as a pet.
24 Other species of animals, whether wild or domestic, trained or untrained, are
25 not service animals for the purposes of this definition, consistent with 28
26 C.F.R., Part 35, § 35.104 and Chapter I, Part 36, Subpart A, § 36.104 (2010
27 Title II ADA Regulation). Service dogs are permitted, in accordance with the

1 ADA, to accompany a person with a disability almost anywhere the general
2 public is allowed. This includes restaurants, businesses, and on airplanes.

3 Types of service dogs include:

4 (1) *Guide Dog* guides a person who is blind or visually
5 impaired;

6 (2) *Hearing Dog* alerts a person who is deaf or hearing
7 impaired to sounds such as door bells, smoke alarms, and alarm clocks;

8 (3) *Medical Alert Dog* is a dog that notifies a person of a
9 change in body chemistry that may indicate a health concern, such as
10 low or high blood sugar for a person with diabetes, or that a seizure is
11 imminent for a person with epilepsy;

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

15 (5) *Psychiatric Service Dog* assists a person with a psychiatric
16 disorder such as anxiety or PTSD. It is an important distinction of a
17 psychiatric service dog that it performs a specific task to assist a person,
18 as is the case with all service dogs. Some examples are: if a person
19 suffers from PTSD and is prone to nightmares, their service dog is
20 trained to wake them from their nightmares; if a person suffers from
21 PTSD and is not comfortable venturing alone into public places, their
22 service dog is trained to move in and stand as a barrier between them
23 and anyone who approaches; if a person occasionally does something
24 unconsciously that physically harms themselves, such as pulling or
25 picking at something, their service dog is trained to alert them to their
26 actions. In each of these examples if the dog was not trained to perform
27 the task described, and it was simply its calming presence that kept the

1 person from having nightmares, helped them feel comfortable
2 venturing into public places, or kept them from harming themselves, it
3 would not qualify as a service dog for the purposes of this Article.

4 (g) Professional Working Dog (PWD) is a dog trained to do useful
5 work. For purposes of this Article, Professional Working Dogs are segregated
6 into a separate category from Therapy Dogs and Service Dogs. However, in
7 the animal assisted intervention community they are often included in certain
8 categories. PWDs are dogs that receive training to perform tasks in a variety
9 of areas of human endeavor. Unlike Service Dogs they do not enjoy access
10 afforded by the Americans with Disabilities Act, but they do have public
11 access when performing their trained task. For instance, a bomb-sniffing dog
12 has public access in airports or in instances when searching for bombs. PWDs
13 also tend not to have a therapeutic one-to-one relationship with humans such
14 as that with Therapy Dogs. PWDs are distinguishable from service dogs and
15 therapy dogs. Some examples of Professional Working Dogs are:

16 (1) *Search and Rescue Dog* is trained to locate lost or missing
17 persons, victims of natural or man-made disasters, and human bodies;

18 (2) *Tracking Dog* is trained to track and find a missing person,
19 escaped inmate, or fleeing felon;

20 (3) *Narcotic Detection Dog* is trained to locate narcotics by
21 scent;

22 (4) *Patrol Dog* is trained to protect a peace officer and to
23 apprehend a person;

24 (5) *Accelerant Detection Dog* is trained for accelerant
25 detection, commonly referred to as arson canines;

26 (6) *Bomb Detection Dog* is trained to locate bombs or
27 explosives by scent;

1 (7) *Cadaver Dog* is trained to find human remains;

2 (8) *Herding Dog* is trained to control other animals such as
3 sheep; and

4 (9) *Actor Dog* is trained to perform in the arts.

5 (h) *Therapist* means any licensed (1) physician who specializes in
6 psychiatry; (2) psychologist or professional counselor; (3) marital and family
7 therapist; (4) clinical social worker or master social worker; (5) occupational
8 therapist; or (6) other mental health professional.

9 (i) *Therapy Dog* means any dog trained to provide comfort to
10 individuals who have (1) experienced mental, physical or emotional trauma;
11 (2) witnessed, or has been a victim of, an act of violence; or (3) behavioral
12 health care needs. A therapy dog has no special rights of access, except in
13 those facilities where they are welcomed. They may not enter businesses with
14 a “no pet” policy or accompany their handler in the cabin of an airplane
15 regardless of their therapy dog designation. Some examples of therapy dogs
16 include:

17 (1) *Courthouse Companion Dog* is trained and used to
18 facilitate testimony in minors or mentally disabled within a court room
19 setting. Outside the courtroom, Courthouse Companion Dogs do not
20 have a public access clearance;

21 (2) *Emotional Support Dog* is trained and prescribed by a
22 therapist to provide therapeutic support to a person with a mental illness
23 by a licensed mental health professional for a person with a mental
24 illness. The prescription must state that the individual has an
25 impairment that substantially limits one (1) or more major life
26 activities, and that the presence of the dog is necessary for the
27 individual’s mental health. Pursuant to the ADA, individuals with

1 emotional support dogs do not have the same rights to public access as
2 individuals with a service dog. Emotional support dogs may only
3 accompany their owners in public areas with the express permission of
4 each individual venue and/or facility management. Emotional support
5 dogs may travel with their owner on an airplane and may live with their
6 owner in locations covered by the Fair Housing Act (FHA) regardless
7 of a “no pet” policy;

8 (3) *Reading Dog* is trained to facilitate reading skill
9 improvement in children;

10 (4) *Hospital Dog* is trained to bring emotional comfort to
11 persons within the hospital or clinical setting;

12 (5) *Facility Dog* is trained and prescribed by a therapist to live
13 on-site as a resident therapy dog and can be found at nursing homes,
14 residential facilities, group homes, or at many businesses. If a Therapy
15 Dog is a “familiar face” at a business, that qualifies as a Facility Dog.
16 Facility dogs do not have public access outside the office or building
17 where they work.

18 **§ 34402. Promulgation of Rules within Government of Guam**
19 **Agencies.**

20 (a) Department of Agriculture (DOAg); Lead Oversight Agency.
21 The Director of Agriculture, working through the Territorial Veterinarian,
22 *shall* assist government of Guam agencies in the promulgation of rules and
23 regulations and processes pursuant to the Administrative Adjudication Law,
24 as required and as related to animal assisted interventions (AAI) in the
25 community:

26 (1) To ensure the health and wellness of animals used in AAI
27 and for the protection of the community; and

1 (2) To provide for the full potential use of assistive animals.

2 (b) Guam Housing and Urban Renewal Authority (GHURA). The
3 Guam Housing and Urban Renewal Authority *shall* establish or amend
4 policies and processes, following the U.S. Department of Housing and Urban
5 Development FHEO Notice FHEO-2013-01, including other related
6 guidelines, to support the incorporation of animal assisted interventions and
7 service dogs within GHURA housing units.

8 (c) Guam Memorial Hospital Authority (GMHA). The GMHA
9 Board of Trustees, through the Administrator of Guam Memorial Hospital,
10 *shall* promulgate rules and regulation pursuant to the Administrative
11 Adjudication Law to establish policies and processes to support the
12 incorporation of animal assisted therapy, therapy dogs, and service dogs
13 within the Guam Memorial Hospital.

14 (d) Department of Public Health and Social Services (DPHSS). The
15 Director of DPHSS *shall* establish policies and processes to support the
16 incorporation of animal assisted interventions within DPHSS pursuant to the
17 Administrative Adjudication Law.

18 (e) Guam Department of Education (GDOE). The Guam Education
19 Board, through the Superintendent of Education, *shall* establish policies and
20 processes to support the incorporation of animal assisted interventions in
21 support of the GDOE mission pursuant to the Administrative Adjudication
22 Law.

23 (f) Department of Corrections. The Director of Corrections *shall*
24 establish policies and processes to establish a “Prison Dog Program” pursuant
25 to the Administrative Adjudication Law.

26 (g) Guam Attorney General. The Attorney General is encouraged to
27 examine the use of Courthouse Facility Dogs to facilitate testimony within the

1 scope of the law. If deemed appropriate, the Attorney General *shall* develop
2 guidelines for the incorporation of Courthouse Facility Dogs, regardless of the
3 fact that the use of these dogs may be prohibited by the judge presiding in the
4 case.

5 **§ 34403. Certification and Licensure.**

6 Under U.S. federal law there are no standards or procedures for
7 certifying a service animal. Certification is not required as a condition of using
8 an animal as a service animal. However, the person using the animal must
9 meet the legal definition of “disability” (42 U.S.C. § 12102 - Definition of
10 disability) and their dog must be individually trained to perform tasks that
11 mitigate the owner’s disability.

12 Fake certification is an issue for the disabled community. These
13 “fakers” diminish the reputation of real teams by behaving inappropriately.
14 Under federal law, service animals do not need certification. A business may
15 only verify an animal is a service animal by asking (a) whether it is required
16 because of the person’s disability; and (b) what the dog is trained to do to
17 mitigate that disability. They may ask this regardless of whether a dog is
18 “certified,” and an owner who refuses to answer can be barred from the
19 facility.

20 A *license* is something that all dogs are required to have. All categories
21 of service animals, therapy dogs or professional working dogs are not exempt
22 from any licensing requirements pursuant to Guam law as provided pursuant
23 to § 34102 (Pet License Required) of Article 1 of this Chapter 34, and other
24 applicable laws, rules and regulations.

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

1 **§ 34404. Access to Public Spaces.**

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

16 (a) Individuals with disabilities *shall* be permitted to be
17 accompanied by their service animals in all areas of a place of public
18 accommodation where members of the public, program participants, clients,
19 customers, patrons, or invitees, as relevant, are allowed to go.

20 (b) A public accommodation *shall not* ask about the nature or extent
21 of a person’s disability, but may make two (2) inquiries to determine whether
22 an animal qualifies as a service animal. A public accommodation may ask if
23 the animal is required because of a disability and what work or task the animal
24 has been trained to perform. A public accommodation *shall not* require
25 documentation, such as proof that the animal has been certified, trained, or
26 licensed as a service animal. Generally, a public accommodation may not
27 make these inquiries about a service animal when it is readily apparent that an

1 animal is trained to do work or perform tasks for an individual with a disability
2 (e.g., the dog is observed guiding an individual who is blind or has low vision,
3 pulling a person's wheelchair, or providing assistance with stability or balance
4 to an individual with an observable mobility disability).

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

11 (1) the animal is out of control and the animal's owner does
12 not take effective action to control it (for example, a dog that barks
13 repeatedly during a movie); or

14 (2) the animal poses a direct threat to the health or safety of
15 others; and

16 (3) in these cases, the business should give the person with the
17 disability the option to obtain goods and services without having the
18 animal on the premises.

19 (d) Businesses that sell or prepare food must allow service animals
20 in public areas even if other Guam law, health code, or policy prohibits
21 animals on the premises.

22 (e) A business is not required to provide care or food for a service
23 animal or provide a special location for it to relieve itself.

24 (f) Allergies and fear of animals are generally not valid reasons for
25 denying access or refusing service to people with service animals.

26 (g) No-Pets Housing: The Fair Housing Act (FHA) allows that a
27 person may keep a service dog in housing with a "no pets" policy. Note,

1 however, that it only requires that housing providers make reasonable
2 accommodations for persons with service dogs. The FHA does not apply to
3 hotels and motels or other facilities lodging transient guests.

4 (h) Airplanes: The Air Carrier Access Act (ACAA) of 1986, 49
5 U.S.C. § 41705, allows that a service dog may travel with its owner on an
6 airplane.

7 (i) If a place of public accommodation or of access to government
8 services, programs or activities customarily charges a person for damages that
9 the person causes to the place, the place may charge a person with a disability
10 or an assistance animal trainer for damages that an assistance animal or
11 assistance animal trainee causes to the place.

12 (j) A person with a disability or an assistance animal trainer must
13 maintain control of an assistance animal or assistance animal trainee. Except
14 as provided in this Subsection, control *shall* be exerted by means of a harness,
15 leash or other tether. If the use of a harness, leash or other tether would
16 interfere with the ability of the animal to do the work or perform the tasks for
17 which the animal is trained or is being trained, control may be exerted by the
18 effective use of voice commands, signals or other means. If an animal is not
19 under control as required in this Subsection, a place of public accommodation
20 or of access to government services, programs or activities may consider the
21 animal to be out of control for purposes of this Section.

22 (k) Except as provided in this Subsection, a place of public
23 accommodation or of access to government services, programs or activities
24 may not deny a person with a disability or an assistance animal trainer the
25 right to be accompanied by an assistance animal or assistance animal trainee
26 in any area of the place that is open to the public or to business invitees. A
27 place of public accommodation or of access to government services, programs

1 or activities may require a person with a disability or an assistance animal
2 trainer to remove an assistance animal or assistance animal trainee if: (1) the
3 animal is not housebroken; or (2) the animal is out of control and effective
4 action is not taken to control the animal.

5 (l) A place of public accommodation or of access to government
6 services, programs or activities may impose legitimate requirements
7 necessary for the safe operations of the place of public accommodation or of
8 access to government services, programs or activities. The place of public
9 accommodation or of access to government services, programs or activities
10 *shall* ensure that the safety requirements are based on actual risks, not on
11 speculation, stereotypes or generalizations about persons with disabilities.

12 (m) A place of public accommodation or of access to government
13 services, programs or activities *shall* make reasonable modifications as
14 necessary to allow an opportunity for a person with a disability who is
15 benefited by the use of an assistance animal to obtain goods, services, and the
16 use of the advantages, facilities and privileges of the place, or the advantages,
17 facilities and privileges of the government services, programs or activities.
18 For purposes of this Subsection, except as provided in Subsections (f) and (h)
19 of this Section, in addition to any other applicable accommodation
20 requirement, allowing the presence of the assistance animal is a reasonable
21 modification.

22 (n) If a place of public accommodation or of access to government
23 services, programs or activities requires a person with a disability to remove
24 an assistance animal under Subsection (f) of this Section, the place *shall* give
25 the person with a disability a reasonable opportunity to obtain goods, services
26 and the use of the advantages, facilities and privileges of the place, or the

1 advantages, facilities and privileges of the government services, programs or
2 activities, without the assistance animal's presence.

3 (o) A place of public accommodation or of access to government
4 services, programs or activities is not required to provide care or supervision
5 for an assistance animal or assistance animal trainee.

6 (p) A registered voter who requires the assistance of a service animal
7 is entitled to bring the animal into the polls and the voting booth.

8 (q) The protection granted under this Section to a person with a
9 disability or an assistance animal trainer does not invalidate or limit the
10 remedies, rights and procedures of any other federal or local laws that provide
11 equal or greater protection of the rights of a person with a disability, an
12 assistance animal trainer, or individuals associated with a person with a
13 disability.

14 (r) A place of public accommodation does not include:

- 15 (1) the Department of Corrections;
16 (2) the Department of Youth Affairs;
17 (3) a local Guam Police Department lockup; and
18 (4) an institution, bona fide club or place of accommodation
19 that is in its nature distinctly private.

20 **§ 34405. Recognition of Community Organizations.**

21 Duly qualified members of the animal assistance community, as
22 defined pursuant to § 34401(a)(2), desiring recognition in the community
23 should follow established processes to become a non-governmental
24 organization, a not-for-profit, or private business entity, and be recognized as
25 a Guam animal assisted organization(s) that will work with DOAg and other
26 government agencies in the further development of AAI programs by
27 providing information and recommendations in the development of rules and

1 regulations pursuant to the Administrative Adjudication Law, as provided
2 pursuant to § 34402.

3 **§ 34406. Penalties and Fines.**

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

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

11 (1) for a first (1st) offense, a fine of One Thousand Dollars
12 (\$1,000);

13 (2) for a second (2nd) offense, a fine of Two Thousand
14 Dollars (\$2,000); and

15 (3) for subsequent offenses, a fine of Five Thousand Dollars
16 (\$5,000).

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

24 (1) for a first (1st) offense, a fine of One Thousand Dollars
25 (\$1,000);

26 (2) for a second (2nd) offense, a fine of Two Thousand
27 Dollars (\$2,000); and

1 (3) for subsequent offenses, a fine of Five Thousand Dollars
2 (\$5,000).

3 (c) Refusing Access. Any place of public accommodation commits
4 a misdemeanor violation if it refuses access to public accommodation or
5 charges a fee for access to a public accommodation to a person using a service
6 dog/service animal trainer.

7 (d) Harassment of or Interference With. Any person who knows or
8 has reason to know that an animal is a Professional Working Dog, Service
9 Dog or Therapy Dog, and who willfully taunts, teases, harasses, delays,
10 obstructs, or attempts to delay or obstruct the animal in the performance of its
11 duty as a Professional Working Dog, Service Dog or Therapy Dog *shall* be
12 guilty of a misdemeanor in the second (2nd) degree.

13 (e) Serious Harm to Assistance Animal. Any person who knows or
14 has reason to know that an animal is a Professional Working Dog, Service
15 Dog or Therapy Dog and who willfully causes or attempts to cause serious
16 harm to the animal *shall* be guilty of animal abuse in the first (1st) degree and
17 subject to the penalties contained in 9 GCA § 70.10.1.

18 (f) Killing of Assistance Animal. Any person who knows or has
19 reason to know that an animal is a law enforcement agency animal, an
20 assistance animal, or a search and rescue animal and who willfully kills the
21 animal *shall* be guilty of animal abuse in the first (1st) degree and subject to
22 the penalties contained in 9 GCA § 70.10.1.

23 (g) A defendant convicted of violating this Section *shall* also owe
24 full financial restitution to the owner which *shall* include, but is not limited
25 to, the following:

26 (1) veterinary, medical care, and boarding expenses;

- 1 (2) medical expenses for the person with the disability relating
- 2 to the harm inflicted upon the assistance animal;
- 3 (3) replacement and training or retraining;
- 4 (4) expenses incurred to provide temporary mobility services
- 5 to the person with a disability; and
- 6 (5) wages or income lost while the assistance animal is
- 7 receiving training or retraining.

8 Emergency medical treatment *shall not* be denied to an assistance dog
9 assigned to a person regardless of the person’s ability to pay prior to treatment, and
10 the convicted person(s) *shall* be fully liable for the payment of the medical
11 treatment.”

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

17 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.