

Bill as Introduced

HB 1417 - AS INTRODUCED

2010 SESSION

10-2636

08/01

HOUSE BILL **1417**

AN ACT allowing companion dogs in certain areas of restaurants.

SPONSORS: Rep. Butler, Carr 1; Rep. Bettencourt, Rock 4

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows companion dogs in certain areas of restaurants.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT allowing companion dogs in certain areas of restaurants.

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

1 Dogs; Restaurants and Food Stores. Amend RSA 466:44 to read as follows:

2 466:44 Restaurants and Food Stores.

3 ***I. Except as provided in paragraph II, no person shall bring any animal into any***
4 ***restaurant or any store that sells food; and no person shall allow any animal to enter in any store***
5 ***that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service***
6 ***dog as provided in RSA 167-D. Whoever violates the provisions of this [section] paragraph shall be***
7 ***guilty of a violation.***

8 ***II. A restaurant owner may allow, at the restaurant owner's discretion, any person***
9 ***possessing a properly disciplined companion dog inside his or her place of business. Such***
10 ***dogs shall not be allowed in food preparation or production areas. Restaurant owners***
11 ***allowing companion dogs shall prominently display a sign at all public entrances advising***
12 ***patrons that companion dogs are allowed on the premises.***

13 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 305
HB 1417 - FINAL VERSION

05/13/10 2048s
02Jun2010... 2301cofc
02Jun2010... 2419eba

2010 SESSION

10-2636
08/01

HOUSE BILL **1417**

AN ACT allowing the companion dogs of restaurant owners in certain areas of restaurants.

SPONSORS: Rep. Butler, Carr 1; Rep. Bettencourt, Rock 4

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill allows the companion dogs of restaurant owners in certain areas of restaurants.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 305
HB 1417 - FINAL VERSION

05/13/10 2048s
02Jun2010... 2301cofc
02Jun2010... 2419eba

10-2636
08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT allowing the companion dogs of restaurant owners in certain areas of restaurants.

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

1 305:1 Dogs; Restaurants and Food Stores. Amend RSA 466:44 to read as follows:

2 466:44 Restaurants and Food Stores.

3 ***I. Except as provided in paragraph II, no person shall bring any animal into any***
4 ***restaurant or any store that sells food; and no person shall allow any animal to enter [or remain] in***
5 ***any [restaurant or in any] store that sells food, except for guide dogs leading blind persons, and the***
6 ***hearing ear dog and the service dog as provided in RSA 167-D. Whoever violates the provisions of***
7 ***this [section] paragraph shall be guilty of a violation.***

8 ***II. A restaurant owner may allow his or her properly disciplined companion dog***
9 ***inside his or her place of business. Such dogs shall not be allowed in food preparation or***
10 ***production areas. A restaurant owner allowing his or her companion dog shall***
11 ***prominently display a sign at all public entrances advising patrons that his or her***
12 ***companion dog is allowed on the premises and that such dog shall be removed from any***
13 ***portion of the premises where members of the public are present in the event a patron with***
14 ***a service dog is present.***

15 305:2 Effective Date. This act shall take effect 60 days after its passage.

16 Approved: July 13, 2010

17 Effective Date: September 11, 2010

Amendments

Sen. Hassan, Dist. 23
May 10, 2010
2010-1988s
08/09



Amendment to HB 1417

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT allowing the companion dogs of restaurant owners in certain areas of restaurants.

4

5 Amend RSA 466:44 as inserted by section 1 of the bill by replacing it with the following:

6

7 ***II. A restaurant owner may allow his or her properly disciplined companion dog***
8 ***inside his or her place of business. Such dogs shall not be allowed in food preparation or***
9 ***production areas. A restaurant owner allowing his or her companion dog shall***
10 ***prominently display a sign at all public entrances advising patrons that his or her***
11 ***companion dog is allowed on the premises and that such dog shall be removed from any***
12 ***portion of the premises where members of the public are present in the event a patron with***
13 ***a service dog is present.***



2010-1988s

AMENDED ANALYSIS

This bill allows the companion dogs of restaurant owners in certain areas of restaurants.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
COMMERCE, LABOR AND CONSUMER PROTECTION

Printed: 04/09/2010 at 11:15 am

- ✓ Senator Margaret Hassan Chairman
- ✓ Senator Betsi DeVries V Chairman
- ✓ Senator Deborah Reynolds
- ✓ Senator Jacalyn Cilley
- Senator Peter Bragdon
- ✓ Senator Sheila Roberge

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 9, 2010

HEARINGS

Thursday

4/29/2010

COMMERCE, LABOR AND CONSUMER PROTECTION

SH 103

12:30 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note the change in hearing times for HB 1417, HB 1459, HB 1254 and HB 1252. HB 1393 has been rescheduled for 5/4/10.

- ✓ 12:30 PM HB1417 allowing companion dogs in certain areas of restaurants.
- 12:45 PM HB1459 relative to the board of trust company incorporation.
- 1:00 PM HB1254 relative to insurance coverage in tort cases.
- 1:15 PM HB1252 relative to the duration of medical payments coverage under motor vehicle liability policies.

Sponsors:

HB1254

Rep. David Nixon

Rep. Paul McEachern

Rep. Robert Rowe

Rep. James Craig

HB1252

Rep. David Nixon

Rep. James Craig

Rep. Paul McEachern

HB1417

Rep. Edward Butler

Rep. David Bettencourt

HB1459

Rep. Edward Butler

START: 12:35 p.m.

END: 1:25 p.m.

Danielle Barker 271-3093

Sen. Margaret Hassan

Chairman

**Commerce, Labor & Consumer Protection Committee
Hearing Report**

To: Members of the Senate
From: Greg Silverman, *Legislative Aide*
Re: Hearing report on **HB1417** - allowing companion dogs in certain areas of restaurants.
Hearing date: April 29th, 2010

Members of the Committee Present: Senator Hassan, District 23; Senator Reynolds, District 2; Senator Roberge, District 9; Senator Cilley, District 6.

Members of the Committee Absent: Senator Bragdon, District 11; Senator DeVries, District 18.

Sponsors: Rep. Butler, Carr 1; Rep. Bettencourt, Rock 4

What the bill does: This bill allows companion dogs in certain areas of restaurants.

Who supports this bill: Rep. Butler, Carroll 1; Joyce Arivella, Dog Owners of the Granite State; Bob Dunn, Private Provider Network.

Who opposes this bill: Ryan Donnelly, Alton; Rep. Laliberte, Grafton 10; Sandra Teti, E. Rochester; Jennifer Decker, Self-Service Dog Owner; Jeff Dickinson, Granite State Independent Living and former Service Dog Handler; Ronald Finneccarro, Newmarket; Jerry Bergevin, Self.

Summary of testimony received:

Rep. Butler, Carroll 1.

- Prime Sponsor.
- Owner of the Crawford Notch Inn where he lives and owns a dog.
- Believes there should be a way to allow an owners dog in the premises.
- This bill doesn't go beyond what has been accepted practice for many years.
- There can be a way for both service dogs and an owner's dogs to coexist in the same place.

Ryan Donnelly, Alton.

- Opposes HB1417.
- Has a physical disability and service dog.
- Companion dogs usually cause distractions for service animals, which pose a potential threat of injury for a person with disabilities.

Joyce Arivella, Dog Owners of the Granite State.

- Supports HB1417.
- No federal law makes it illegal to bring a pet animal to the outdoor or indoor areas of a restaurant.
 - FDA Food Code is a recommendation, not a law.
- Consumers have the right to choose whether or not to spend money at certain establishments.

Rep. Laliberte, Grafton 10.

- Opposes HB1417.
- See more potential problems than advantages to this bill.

Sandra Teti, E. Rochester.

- Opposes HB1417.
- Distractions to a service dog may jeopardize the safety of both the service dog and its owner.

Jennifer Decker

- Opposes HB1417.

Jeff Dickinson, Granite State Independent Living and former Service Dog Handler.

- Opposes HB1417.
- Encounters between pets and service dogs usually do not go well.
 - A service dog is the lifeline to someone's independence.
- Negative impact on people with disabilities who handle service dogs.

Ronald Finnecarro, Newmarket.

- Opposes HB1417.

Action: None.

Date: April 29, 2010
Time: 12:35 P.M.
Room: SH 103

The Senate Committee on Commerce, Labor and Consumer Protection held a hearing on the following:

HB1417 (New Title) allowing the companion dogs of restaurant owners in certain areas of restaurants.

Members of Committee present: Senator Hassan
Senator DeVries
Senator Reynolds
Senator Cilley
Senator Roberge

The Chair, Senator Margaret Wood Hassan, opened the hearing on HB1417 and invited the prime sponsor, Representative Edward Butler, to introduce the legislation.

Representative Edward Butler: House Bill 1417 is, in part, something that is personal, and in part something that I bring forward for constituents. The easiest way to explain my perspective on it is that we've been innkeepers for 17 years up in the White Mountains, and for most of that time we have had an excellent rating with our Department of Health Inspections. And, the inspector who was there for many years came in, looked at our kitchen and our processes and gave us high marks. She left, and she said we understand that you live here and that you have pets and we understand that they may be coming and going from some of the spaces in your restaurant area.

We have a new inspector and he follows the letter of his regulation and has told us that we cannot have our dogs in the dining room or in the kitchen. And, certainly we understand the kitchen piece of it and have been keeping them out of that area since then.

I live in Crawford Notch. Abel and Hannah Crawford settled Crawford Notch in the late 1700s. They had a hostel right at the bottom of our hill, at the intervale, and they were welcoming to guests as they traversed up and down

Crawford Notch, and had pets and animals who I am sure went in and out of their public accommodation spaces.

The man who built our inn built it after Abel and Hannah died, and he had pets, but was not a public accommodation. The people who inherited from him opened our place called, "The Inn Unique" in the 1920s. We have a picture of Madame Mori who was one of the first female legislators in the state with her dog in our dining room, 1930s probably.

The previous innkeepers had a dog named "Rugs" and when I was learning how to serve I would go through the dining room, step over Rugs, and carry food to our guests, and that has continued through to this day.

I have talked with many people in our area. We have a coffee house called "The Met" down in North Conway and when they opened, they were dog friendly and it was a part of what they offered in terms of their niche. And with this new inspector, they have been told that they can no longer do that. There were never any instances and it worked well to have some of their consumers bring in their pets as they came in to enjoy the coffee house.

I was talking about this bill recently and a State Rep said that, when he was taking his puppy to puppy classes, he would stop off after, if the puppy had been good, he would stop off at the local bar afterwards and the dog would sit up on the chair at the bar and have a little beer while he had one.

It is obviously something that some places of accommodation have allowed without incident that we know and it seems reasonable for those businesses who choose to allow that practice in a responsible way to do so. I understand that there is an issue with service dogs and you will hear from some people about that. It seems to me that there ought to be a way to accommodate both.

But, I leave that up to your good judgment. Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you. Are there questions? I see one. And before we start the questions, I don't have a sign-up sheet. So, if we could get it off the table, that would be helpful. So, Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair, and thank you, Representative Butler. Having had the pleasure of enjoying your establishment and your fabulous dogs, it breaks my heart to think that they aren't roaming free throughout your establishment any more.

I guess I'm wondering, in your opinion, if this might be tightened if it is the owner of a place, and you publicize on everything that you do that your dogs are there, and who they are, and that if somebody is uncomfortable with that, they may not want to come to your establishment. My concern, on behalf of the folks with the service dogs, is that this opens it up to a wide discretion where folks who may think that their dogs are well behaved and others may have a different view of them. Are you worried that this goes a little far in that and might be tightened if it's the owners' pets or something?

Representative Butler: I think that it does go beyond what is what we have come to expect in terms of regulation. But, I don't think it goes far beyond what has been practice for many businesses and establishments. And, you'll hear from the people with the service dogs, their concerns about having other dogs who might interact with theirs, and I appreciate that. But, I think that there's a way for both populations to exist in the same space without incident, and I think probably 98% of the time that will occur.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Margaret Wood Hassan, D. 23: Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Thank you, Madam Chair. Thank you, Representative Butler, for taking my question. Is a "companion dog" defined anywhere?

Representative Butler: When we took this idea to OLS, they said that "companion dog" would be defined differently than "service dog." And so, I believe it is in the statute defined somewhere, but I do not know that.

Senator Deborah R. Reynolds, D. 2: And, if I may, follow up?

Senator Margaret Wood Hassan, D. 23: Yes.

Senator Deborah R. Reynolds, D. 2: Now, there are a lot of inns, for example, I am thinking of the Common Man Inn in Plymouth now, Alex Ray's, you know a lot of hotels are opening up their establishments to pets. So, the issue for you is that do you want the definition to be as broad as possible so that whether or not you have one of the wonderful dogs that are here or just a pet come in? Is that, what are you trying to get at here?

Representative Butler: I'm trying to get at dog owners who choose to come into a public accommodation where the owner agrees that that's possible and has posted it.

Senator Deborah R. Reynolds, D. 2: Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you, are there any other questions for Representative Butler? Seeing none, thank you very much for your testimony

Representative Butler: Thank you.

Senator Margaret Wood Hassan, D. 23: Ryan Donnelly. Good afternoon.

Ryan Donnelly: Hello. My name is Ryan Donnelly and I'm here today to bring to your attention an important aspect to HB 1417 and the impact that I feel it will have as the presence of companion dogs in public restaurants may have on persons with disabilities to use service animals in their day-to-day lives. As an individual who fits that description to a "T", I feel I am in a position to discuss this matter with authority and perhaps a bit of insight as well.

First, let me be clear that, as a person who uses a dog as my service animal, I enjoy dogs. And, I take my service animal on long walks, I often run into my neighbor's pets. Like any other dog, my service animal is always eager and interested in meeting a fellow canine. In an open and casual setting, this is absolutely fine; I stop, chat for a few minutes, and then I am on my way. There are also times when I run into dogs out and about that are not as friendly as I would like or as well-behaved and I tend to leave in a bit more of a hurry.

This bill, however, would create a different sort of situation. If I am at a restaurant, I expect to be able to sit down, have a bite to eat, and leave when I and my company are ready to go. Though the nice smells of freshly-prepared food are certainly appealing to my service animal, she is alert and able to help me with whatever tasks she needs to perform for me. What happens when we bring a non-service dog into the mix? Canines are social creatures by nature and I believe the presence of companion dogs in the same close setting as service dogs could cause a service animal to become distracted and disrupt them in their work. But service animals are on the whole exceptionally well trained and subject to regular reviews, another animal is certain to catch their interests.

While many owners feel assured that their companion dog is well behaved, I cannot remember the last time I went through a retail parking lot or even down my own street, without hearing other dogs barking and yapping and woofing at mine. How is my service animal to pay attention to my needs if

someone's pet is at the next table jumping up and down to say hello to mine? What of a guide dog for a person who is blind?

Having reviewed the language of this bill, and in light of the possible negative effects of it on individuals with service animals, I oppose this bill. I hope that you will do the same and vote against HB1417. Thank you for your opportunity to share my concerns with you, and thank you for your service to the citizens of New Hampshire.

Please see Attachment #1 – prepared testimony submitted by Ryan Donnelly, Alton, New Hampshire.

Senator Margaret Wood Hassan, D. 23: Thank you. Thank you very much, and thank you for your testimony. Are there questions? Seeing none, thank you very much. Joyce Arivella? Have I pronounced that correctly?

Joyce Arivella: Hi, my name is Joyce Arivella. I'm President of Dog Owners of the Granite State and I come from New Boston.

Dog Owners of the Granite State is an American Kennel Club affiliated non-profit organization founded in 1991 to represent the interests of all pet owners in New Hampshire.

DOGS supports HB 1417 and asks that you vote to recommend its passage. HB 1417 gives the restaurant owner the prerogative to choose whether or not to allow dogs in areas of their establishment which are not food preparation areas. The state of New Hampshire has leave to allow such discretion because no federal law makes it illegal to bring a pet animal to the outdoor or indoor areas of a restaurant. The FDA food code is a recommendation, not a law.

Whoever owns the restaurant should have the right to decide whether or not to allow dogs. As a consumer, we have the right to choose whether or not to spend our money at these establishments. If a place can't be profitable because no one wants to go there because they dislike dogs, then the place will fail or be forced to change their policy. Dogs in restaurants are like kids in restaurants: if they behave reasonably well, we are happy to see them there.

Please see Attachment #2 – written testimony submitted by Joyce Arivella, Dog Owners of the Granite State.

And, it is not on my testimony, but I would like to add that every time that I have seen more than one service dog in the State house because that is where

I see them for the most part, they interact with each other and I see no reason why that would not be the normal procedure. As the gentleman just said, dogs are dogs and they have certain canine instincts and they are very friendly to each other as a rule. If I'm walking down the street with my dog and somebody's dog in their yard barks or in their house barks, which my dogs do if another dog is walking by, however, I have a dog that is so well trained that she would be the perfect candidate to be in a restaurant and wouldn't even beg for food, you know, or be looking for treats. Would just lay their quietly at the table and wag and maybe even get up when another dog came in to say hi, which is the normal dog procedure; they are no different than people. They see people they recognize or think they recognize.

That's all I have.

Senator Margaret Wood Hassan, D. 23: Thank you. I see questions from Senator Reynolds, Senator Cilley, Senator Roberge. So, we will do it in that order.

Senator Deborah R. Reynolds, D. 2: First of all, thank you, Madam Chair, and thank you very much, Joyce, for taking my question. I think you're talking to a dog friendly Committee because all of us have dogs and love our animals.

I guess my question is, you know, Mr. Donnelly pointed out the conundrum. We want to make sure that folks that have a service dog are not going to be impeded in terms of their access to public facilities like restaurants, and those of us who love our dogs and would like our dogs to be able to do that. Is there any suggestion you have about how the twain can meet here, because it sounds as though you support the bill as its written, but those citizens like Mr. Donnelly think there might be a problem. Do you have any suggestions for us at all?

Mrs. Arivella: I understand his concerns. I don't necessarily agree with them and I think that normal dog etiquette, when you meet up with another dog, be it in a restaurant or on the street or anywhere, is to say, "Is it okay if my dog says hello to your dog?" Just like you would say, "May I pat your dog?" And, they have the prerogative to say, "No, I'm sorry, but my dog is working right now" or, you know, however they want to approach that.

And, if the dog walking in, that is going to be seated perhaps next to a service dog is lunging or, you know, doesn't look like a very...then the person owning the service dog can either ask the manager to take a look at this situation, voice a concern, or I mean they can tell, "No, I'm sorry I don't want your dog near me" or that dog comes running into the restaurant. That to me is not a

very well-behaved dog and the manager or owner of that establishment has the right, according to this bill, to not allow them to come in.

Senator Deborah R. Reynolds, D. 2: Thank you. Thank you very much.

Senator Margaret Wood Hassan, D. 23: Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Are you familiar with any other states that have this law?

Mrs. Arivella: No, I have heard about it in other countries though.

Senator Jacalyn L. Cilley, D. 6: Okay, thank you.

Mrs. Arivella: I have a friend that used to live in Europe, and that is the norm apparently. And she said, "I think I have only seen two dog fights in all of the years that I've lived there."

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Margaret Wood Hassan, D. 23: Senator Roberge.

Senator Sheila Roberge, D. 9: How about the sidewalk cafes? Dogs can't be on the sidewalk outside the establishment? Didn't you say that because I honestly don't know?

Mrs. Arivella: No, I didn't say that, no. I don't know that that's a fact or not. I can take my dog to the ice cream place and sit at the picnic table.

Senator Sheila Roberge, D. 9: That's different.

Mrs. Arivella: That's different.

Senator Sheila Roberge, D. 9: Okay. Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you. Are there any other questions? Seeing none, thank you very much for your testimony. I'm sorry, is Representative Laliberte here? I am so sorry, I didn't see you and now I saw your name on the sheet, so my apologies.

Representative Suzanne Laliberte: Good afternoon, Senators. I'm Susi Laliberte. I'm a Representative from Grafton. I'm one of three Representatives covering the towns of Enfield, Canaan, Grafton, Dorchester, and Orange.

I'm here as an individual, I do not have a service dog. I have gotten involved though in with the Governor's Commission on Disabilities, through a former Representative. And, because of this, I'm discovering the differences between a pet or companion dog and a service or assistance animal; and there are big differences. In fact, I was thinking of one of those differences this morning when I was calling my cat and she was doing what a lot of dogs I know do, ignoring me. And, when I talk to a service dog or I see somebody with a service dog, those dogs are under control, they are behaving, and they are trained to be under control, and they have to go through further training on a regular basis to show that they are under control.

A lot of those who have service dogs will be able to testify better than I will, but I was thinking of some other problems that can be involved in allowing pet or companion animals in restaurants.

Number one, fleas, and everybody knows fleas, they can cause illness, some people are drastically allergic to them. I myself am. And, in order to get fleas out of a building, you've got to fumigate it, which would mean, if a restaurant had fleas, they would have to close the restaurant for a period of time, fumigate it, and I don't know what rules and regulations would be about the food stuffs that are around.

Number two, there are people, and I think we all know some of them, who are afraid of dogs. They just go into an absolute panic when they see a dog, and I admit, if there is a sign then they can be warned. But, if there is an uncontrolled companion or pet who decides to go plunking around the restaurant and go up to somebody who is afraid of dogs, there could be a problem there. Anybody with a service animal, that dog would be under control, they wouldn't go wondering around the restaurant.

So, these are just a few other things to take into consideration. I would kind of agree with the idea of somebody, like Representative Butler, who owns his own establishment and is there on his own premises and it is his dog, but just allowing anybody, at any restaurant, to open the door to any animal, I can see more problems than advantages to it.

And, I thank you very much.

Senator Margaret Wood Hassan, D. 23: Thank you. Are there questions?
Senator Cilley has a question.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. I'm just wondering, you know, I go back to the debate about smoking and thinking

that, you know, people would choose, if they were non-smokers, they would choose non-smoking establishments and they would know. And, in the bill is a mandate that is very clearly displayed and I know, as I said to Representative Butler, I know that they put it on their website, they put it on their literature, they put the signage all over the place. I can't imagine every owner would want to open their establishment up to companion dogs.

Representative LaLiberte: I would hope they wouldn't. I would think that some of the chains would not do it because a lot of the chain restaurants are trying to get their money through volume and they would be cutting off some of the volume they would get. They would be cutting people away from them.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you. Are there other questions? Seeing none, thank you very much, Representative.

Representative LaLiberte: Thank you very much.

Senator Margaret Wood Hassan, D. 23: Sandra Teti.

Sandra Teti: This is what our dogs are trained to do in restaurants. That is why she wouldn't go here; they're trained to go under.

Senator Margaret Wood Hassan, D. 23: She went right under. Yeah.

Ms. Teti: Good afternoon, Madam Chair, and members of the Committee. I am Sandra Teti, and I'm opposed to House Bill 1417.

I have been using a service dog now for nearly five years. She performs tasks for me that are vital to my mobility. She provides support and balance when I'm walking. She opens the accessible door plaque; she presses those, opens the doors. She retrieves things that I drop because I am unable to reach the floor, and she does a lot of other necessary tasks that I have to have her do. Therefore, I depend upon her, and that means she has to go everywhere with me, including restaurants.

Distractions that are going to distract a service dog from their work can jeopardize the safety of both the service dog and its owner. And, this companion dog thing, there is no such thing. A companion dog is a pet, it's a fancy name for a pet. It is a person's companion like my cat is my companion; it's a pet. And, these pet dogs, I mean, I have no problem with a well-trained

pet dog. But, in the real world, most pet dogs are not well-trained and they are not well-behaved and that's where the problem comes in.

Our service dogs go through many months of extensive training. The first 18 months of their life is nothing but training. Our dogs are trained not to bark. When we go in a restaurant, they are trained to go under the table, which is why she saw a table and thought she had to go under it here, and they lie there the whole time. They are in what is called the "down stay" command and they stay there. Most pet dogs are not going to be able to go in, go under a table, go into "down stay" for the duration of time that it takes for a meal and sometimes, if a restaurant is busy, that can be a long period of time. If the person wants to sit and enjoy their meal, then you've got some more time added on to it. This is a long period of time for a dog who is not trained to do that and most of them will have problems with that.

The other problem is that I'm concerned that I might be in a restaurant with my dog and discover there is a pit bull over there. And, you could have a great dane, there is nothing about what type of size dogs come in. You could have a great dane, a saint bernard at the table next to you, or somebody with one of these little, what I call "tote bag" dogs that yip, yip, yip.

Senator Jacalyn L. Cilley, D. 6: Careful.

Ms. Teti: My dog is a Saint Bernard.

Senator Margaret Wood Hassan, D. 23: My dog is in between the two, so we're good.

Ms. Teti: Well she doesn't have hers in a tote bag today. So, you know.

Senator Jacalyn L. Cilley, D. 6: You are trending on sacred territory.

Ms. Teti: Unfortunately, we are in the same district here.

But anyway, all of these could provide distractions for our dogs, which is a problem. Now, it was mentioned that the dogs interact. They do sometimes if you want them to, I don't know if any of you have ever attended a dog guide users' meeting where they meet at the Red Blazer Restaurant. We may have 20 dogs in there, in their conference room, dining area. The dogs are all like this. No dog pays any attention to any other dog. They are all working dogs. They all know that you go in, well almost all of them, about 90% are guide dogs. But, they all go in, they go down, and they don't bother each other. You can walk back and forth with another working dog, the dog, for instance,

my dog, she will walk right passed these dogs, not pay any attention to them and they are down and they don't pay any attention to her.

So, that is more of a concern than the lady that mentioned earlier that these dogs do interact. If we say to them, would you like to meet people, would you like to say hello to another dog, then yes, there is interaction. But, if you don't command your dog, and in our case that is an actual command you have to give your dog to let them say "hello" to another dog. If we don't do that, then our dogs stay like this; that is what they are trained to do.

Then you run into the problem where some owners feel that they have to feed their dogs some morsels from their plate when they are eating. You have some who are not able to control their dogs. Their dogs might be out at the end of their leash, and you have dogs that will bark when they see other dogs. And, all of these things are serious distractions to our dogs who have to go down, stay down. Again, they are working when they are in the "down stay" command. That's a command, that's a work command and the whole time you are in a restaurant, they are working.

This bill would definitely curtail my dining in a New Hampshire restaurant because I have had too many experiences with pet dogs that have not been good. On the other hand, I have had a couple of experiences with pet dogs that's been very good. So, you know, give and take, but it's mainly the pet dogs who can't behave.

I will add that I do not have a problem with a bill that says that the owner may have a dog at his establishment. I have no problem with that at all. I feel that an owner knows his dog, he knows the dog is going to behave, he knows he is liable for the dog being there, I have no problem with that. My problem is just saying everybody come on in, bring your dogs with you.

And, thank you for considering my concerns, and I will be glad to answer any questions.

Senator Margaret Wood Hassan, D. 23: Thank you very much. Are there any questions? Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair, and thank you, Sandy. You know, when we first talked about this bill I have, and still do, have a lot of concerns and sympathy for, you know, the dilemma that it may put people with service dogs in. I'm wondering two things I guess. This is a two-part question.

One is, do you really believe that every restaurant store is going to open this up? Because, it strikes me as a tremendous liability for an owner and especially if the dog doesn't behave.

And, secondly, if we were to look at something like a pilot project with something like this. I'm speaking only from myself; I have no idea where the other Committee members are. I'm just trying to look at a way of making some accommodations here.

Ms. Teti: I think, because people do want to take their dogs with them everywhere, that you will find more restaurants than you think will do this just because they will be getting the business from people with their dogs. You know, "so and so's restaurants does it how come you don't?" "I'll take my business to them" and then all of a sudden they open their restaurant too to dogs. So, I think it will become much more widespread than you think.

I don't think a pilot; I mean, you are going to have to put an awful lot of pet dogs through some kind of a rigid training school. The public access test that our dogs have to take in order to be certified to be service dogs, which is total training, being able to be handled in public, being under control in public. In a lot of cases, it is not even the dog, it's the owner, the owner needs to be trained. This owner will say, "Oh, my dogs well-behaved, I'm in control of it" and they get out in public and they have no control over the dog at all, and that's where the problem is, you know.

Please see Attachment #3- prepared testimony submitted by Sandra Teti.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Margaret Wood Hassan, D. 23: Any other questions? Seeing none, thank you very much for your testimony.

Ms. Teti: Thank you. Ceci, let's go.

Senator Margaret Wood Hassan, D. 23: We have charmed Ceci.

Ms. Teti: I know it. She was at the L.O.B. all morning. Ceci, let's go.

Senator Margaret Wood Hassan, D. 23: We have three more folks testifying, and I'm going to note that they are all in opposition to the bill. So, if you have already heard the points you want to make, please adjust your testimony accordingly. So, the next person is going to be Jennifer Decker.

Jennifer Decker: Hello, my name is Jennifer Decker and I'm also in opposition to House Bill 1417.

As you can see, I'm a service dog owner and many of my concerns have already been spoken by two of the previous individuals. But, what I would like to say is, when I bring my service dog out in public, she enables me to be as independent as I can possibly be. And, in the past, I have encountered pet dog owners who believe that when their dog interacts with my service dog that the dogs are just being dogs. And, this may be acceptable in a causal situation, such as taking the dog for a walk around the neighborhood. But, my fear is that, when service dogs are present in a restaurant and other dogs are also there that their presence would compromise her ability to assist me, and this could potentially leave me in a vulnerable and/or unsafe position.

And, the other piece that I would like to speak to, related to what one of the previous speakers said, is I acknowledge that most dog owners are well intentioned in the discipline of their pets, but my experience, as a service dog owner has been that not every dog owner will ask permission to interact with my dog in a public place. I can't tell you the amount of times I have been in an establishment such as Wal-Mart or the grocery store and people will see a dog and even go as far as saying "Oh, I know I'm not supposed to pet her" but they will do so anyway. So, that is a major concern of mine, because not only will it be the people interacting with my dog without permission to do so, but it will be those people's dogs that are in these establishments that will also be interacting with my dog.

So, in closing, I would ask you to please oppose this bill and consider the needs of service dog owners when you do so.

Please see Attachment #4 – prepared testimony submitted by Jennifer Decker.

Senator Margaret Wood Hassan, D. 23: Thank you. I had a question just clarifying the situation of having pets in the same space as service dogs can raise. Are service dogs trained not to respond if they are attacked by another dog? I mean what happens?

Ms. Decker: They are trained not to respond. But, I know for a fact that I have been in situations with my dog where she feels that I'm threatened and she wouldn't hurt another dog, but she will become very protective of me because she knows that that's her job to do. I'm who she is supposed to be focusing on and she gets into protective mode.

Senator Margaret Wood Hassan, D. 23: Right, and to follow up, what my concern would be is it puts a service dog at a disadvantage in an enclosed space if another aggressive dog, and in my experience dogs tend to be more aggressive the more enclosed the space is, if an aggressive dog is the aggressor towards your dog, your dog can get hurt if he or she, I don't know which it is...

Ms. Decker: She.

Senator Margaret Wood Hassan, D. 23: She can't respond. Okay, thank you. Any further questions? Seeing none, thank you very much for your testimony. Next up is Gary, is it Bergevin?

Gary Bergevin: I didn't want to speak.

Senator Margaret Wood Hassan, D. 23: Oh, you didn't want to speak. Okay, thank you. You are in opposition to the bill, but not speaking. And, Jeff Dickinson, please.

Jeff Dickinson: Thank you, Madam Chair, members of the Committee. For the record, my name is Jeff Dickinson, and I'm here partly representing Granite State Independent Living, but also speaking as a former service dog handler.

I had a service dog named Peaches for about 11 years. She passed away last June, but we worked together for a long time. A lot of the things that I was thinking I needed to say have been said. I did want to address some of the points that were brought up. I have a problem, and I think there is a problem with the idea that well, there's room for both, there is room for service dogs and there is room for pets. The issue that I have with that is we are really talking about apples and oranges in that equation.

A service dog is a protected civil right under the Americans with Disabilities Act. A pet has no legal standing in that regard. And so, the idea of saying that well, pet owners should be allowed to have pets because it is not fair for service dog owners to have them, honestly, it really is a fairly immaterial argument from a legal and civil rights standpoint. The fact of the matter is we have already piloted this to some degree. I think all of us have seen folks with dogs in places like Home Depot, Lowe's, I have seen some in Target, Wal-Mart, you name it. Some of them are little purse dogs that fit in a purse, some of them haven't been, and I imagine other handlers of service dogs will confirm what I am going to say, which is that, when I was handling my service dog in those places where you would occasionally encounter a pet, often the encounters didn't go well. The pet dog would growl, would bark,

would snarl, would startle my dog, startle me, and invariably the owner would sort of laugh it off, brush it off and say, "Oh, well, it's just dogs being dogs." Well, that's really not the case when that dog that you are handling is a service dog is truly one of the main pieces of independence that you have. It just doesn't work to say dogs will be dogs.

If service dogs do interact with each other, which most of the time I find they don't unless they are allowed, but if they do, that just furthers the point that if you've got very well-trained service dogs that, because of their instincts aren't able to ignore their instincts even through the great training they have, how many pets stand any chance of being able to, you know, withstand that sort of temptation? It just doesn't work.

And to the point that somebody with a disability, who handles a service dog could ask the manager to remove the dog or what have you, the bottom line is, as a citizen who has an equal right to be there, I shouldn't have to. I shouldn't have to wonder when I go some place, "oh gosh, am I going to run into other dogs that are going to threaten my service dog or impact her ability to work." The bottom line is I should have equal access and if I have to worry about that, it is really no different than saying, "Well, what's the big deal that there are restaurants I can't get into you can go to another one" if it is not accessible, for example, with a wheelchair ramp. The bottom line is I should have the right to go where I want, and in this regard a service dog is really one of those key pieces that allows folks to do that.

So, in any event, I would ask you to oppose this bill as an individual. I would also note that as an organization, Granite State Independent Living is opposed to this bill because of the negative impact we fear it would have on folks with disabilities who handle service dogs.

Senator Margaret Wood Hassan, D. 23: Thank you. Senator Cilley, and then, Senator Reynolds.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. I asked earlier when you, and I think you answered part of that question, would you oppose it if we kept this exclusively to the owners of that establishment and their own dogs? You would still oppose it?

Mr. Dickinson: I would still oppose it. Although, I think I would have an easier time getting myself to the point where I could not oppose it than to have it be as general as it is right now because, in that case, it is only really going to pose a problem in that one particular establishment where somebody maybe has a pet dog, and I will hopefully know ahead of time if that's the case.

On the whole though, I would still oppose it, especially as it is written.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you. Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Madam Chair. Thank you very much, Mr. Dickinson. First, just a comment that your testimony and the testimony of many others here are very helpful to us. So, just to paraphrase what you are saying. I think I'm hearing you say is that the broader issue is that it could be a major obstacle for you for access to a public establishment. Fair to say?

Mr. Dickinson: Yeah, because if I'm really concerned if I'm going to have a run-in with somebody's pet dog and I'm handling a service dog, I very well may have to limit where it is that I choose to go because I don't want to chance that.

Senator Deborah R. Reynolds, D. 2: Thank you very much.

Mr. Dickinson: You're welcome.

Senator Deborah R. Reynolds, D. 2: Thanks for your testimony.

Mr. Dickinson: You're welcome.

Senator Margaret Wood Hassan, D. 23: Thanks as always. And then, Ronald Finecairo.

Ronald Finecairo: Good afternoon. Thank you, Madam Chairman, and Senators. I'm Ronald E. Finecairo and I live in Newmarket, New Hampshire.

My wife was born vision impaired, has gone through her life learning her ways. She went through mobility assistance in '92 where they walk them with a stick. In 2003, she came to the point where she needed a guide dog. Mr. Michaud from the Association for the Blind came to the house with his dog. Again, 30 years he went without that stigma, the cane nor the dog, loved the dog. She enrolled in the program. She had to go to a doctor to have a physical to make sure she was capable of handling the dog. She got accepted into the Guide Dog Foundation in Smithtown, New York on Long Island. She left January 13th, 2003, for 25 days of training in the cold

weather, five to six days a week. If these people do not pass that exam and graduate, that dog doesn't come home with them.

The issue that I have and we are running into it, and it just happened to us recently. We were in a Wal-Mart, the dog knows Wal-Mart like probably all of us do unless they change things around and there was a woman in a mobilized cart, an obese person, and there is nothing against obesity; it is a disease, all of us have disabilities. Okay? And, she had a little dog, no markings on it or anything. When we entered the door, we were met by the greeter, is that a service dog? Yes, it is. My wife carries a card and all the guide dog users right as well as wheelchair users, all have cards saying that their dogs are certified and they are covered under the ADA law to enter to any public premise handicap accessibility.

A dog will be a dog. The wife was walking, this girl stopped and looked. The dog looked over, and of course a dog will be a dog and they looked, and right into a clothes rack. I'm standing behind over left, over left, over left. This is a hindrance. The other thing, I don't know if you are aware of, this state signed in a couple of years ago the Fens law. The Fens law, alright, protects the handler and the dog. For instance, if she happens to be walking by your home and your dog is not leashed, this is up to the discretion of all the towns, different ordinances, different laws, and the dog jumps the fence and attacks the handler and/or the dog. The first time, you call the police, they get a verbal. The second time, depending upon the town ordinance, you can get a fine. The third time, you can have the dog removed from your premises. The individual has a right. They are trained in school that if a dog is oncoming on the same side of the street and it is going to create an obstacle, my wife has our dog halt sit and let the other dog go by.

We have gone many places with the tag on the dog. Please don't pet, people will bet, I catch it I say please do not. What I do find, okay, is mothers with children are the best educators. They will say please don't touch that dog; it is helping the lady.

As far as the companion dogs, okay, I say this. Number one, they should go to a school and be certified just like any of the wheelchair dogs, seizure dogs, therapy dogs and guide dogs, and whatever hearing impaired dogs certified. Once they are certified, the person handling the dog should also be certified. Then, I'm not opposed to them entering into an establishment because now we know the dog is trained, the handler is trained and there wouldn't be a problem.

One final thing, we just recently went to a restaurant and she had heard about this and we were alone. I happened to be a Sunday after church, I took

time to take the wife out, we don't spend enough time. The dog, she'll walk in the door, the dog will find the door. FS, I will tell her FS that means find the seat. Okay? The dog will walk right over, puts her nose, finds a seat, the dog's automatically under the table, such as the people behind me have testified. Okay? She brought this up. She will not allow it, because she has an outside, she has an inside. We have a Department of Public Health issue and all different towns and they all are varying and they are different. Do you see what I am saying?

The other thing is the companion dogs, alright, the way it was written, and I have seen it, will leave their feces on sidewalks. You can walk the streets of Manchester; I just saw it this morning walking my wife's dog while she is taking care of her mother, feces of a dog. These people are trained to pick up after their dogs, that is a must from the school. My wife at night becomes totally vision impaired. That dog, believe it or not, comes to me 10 after nine because that's the way she was trained at school, last call. Under my arm, she knows okay, okay, busy. We use a terminology busy. That means duty. I go out with a flashlight and pick up on my own lawn because I don't need my neighbors or anything coming in, and I live in a mobile home park which is written into the law you cannot have dogs.

Senator Margaret Wood Hassan, D. 23: I'm going to need to ask you to wind up. I understand the point you are making but we've got three other bills. Okay?

Mr. Finecairo: Okay. So, this is all I'm saying is, I'm not opposed to it provided (a), we deem the person needs the companion dog certified, a certified person.

And, I thank you all and take it under strong consideration. Thank you.

Senator Margaret Wood Hassan, D. 23: Thank you very much for your testimony. Any questions? I don't see any, thank you very much. Was there anybody else who wanted to testify on House Bill 1417? Seeing no one else, we are going to close the hearing on House Bill 1417.

Hearing closed 1:25 P.M.

Respectfully submitted,



Richard Parsons, Senate Committee Secretary

9/15/10

4 Attachments

Ryan Donnelly
16 Pearson Road
Alton NH, 03809

4/29/2010

Dear members of the Senate Finance Commerce, Labor and Consumer Protection Committee:

Hello, my name is Ryan Donnelly, and I am here today to bring to your attention an important aspect to HB 1417 and the impact that the presence of companion dogs in public restaurants may have on persons with disabilities who use service animals in their day to day lives. As an individual who fits that description to a tee, I feel I am in a position to discuss this matter with authority and perhaps a bit of insight as well.

First, let me be clear that as a person who uses a dog as my service animal, I enjoy dogs. When I take my service animal on walks, I often run into my neighbors' pets. Like any other dog, my service animal is always eager and interested in meeting a fellow canine. In an open and casual setting, this is absolutely fine; I stop, chat for a few minutes, and then I'm on my way. There are also times when I run into dogs out and about that are not as friendly or as well behaved around my service animal as I might like, and in those situations I tend to leave in a bit more of a hurry. This bill however, could create a different sort of situation.

If I am at a restaurant, I expect to be able to sit down, have a bite to eat, and leave when I and my company are ready to. Though the nice smells of freshly-prepared food are certainly appealing to my service animal, she is alert and able to help me with whatever tasks I might need her to perform. But what happens when we bring a non-service dog into the mix? Canines are social creatures by nature, and I believe that the presence of companion dogs in the same closed setting as service animals could cause a service animal to become distracted and disrupt them in their work. Though service animals are on the whole exceptionally well-trained and subject to regular reviews, another animal is certain to catch their interest. While many owners feel assured that their companion dog is well behaved, I cannot remember the last time I went through a retail store parking lot, or down my own street, without hearing other dogs barking and yapping and woofing at mine. How is my service animal to pay attention to my needs if someone's pet is at the next table jumping up and down to say hello to mine? What of a guide dog for a person who is blind?

Having reviewed the language of this bill, and in light of the possible negative effects of it on individuals with service animals, I oppose this bill. I hope that you will do the same and vote against HB1417. Thank you for the opportunity to share my concerns with you, and thank you for your service to the citizens of NH.

Sincerely,

Ryan Donnelly

DOG OWNERS OF THE GRANITE STATE

<http://www.nhdogs.org>

April 29, 2010

Senate Commerce Committee

Public Hearing on HB 1417 – Allowing companion dogs in certain areas of restaurants

Dog Owners of the Granite State - Statement in Support

Submitted by Joyce Arivella, President of DOGS

Dogs Owners of the Granite State (DOGS) is an American Kennel Club affiliated non-profit organization founded in 1991 to represent the interests of all pet owners in New Hampshire.

DOGS supports HB 1417 and asks that you vote to recommend its passage. HB 1417 gives the restaurant owner the prerogative to choose whether or not to allow dogs in areas of their establishment which are not food preparation areas. The state of New Hampshire has leave to allow such discretion because no Federal law makes it illegal to bring a pet animal to the outdoor or indoor areas of a restaurant (FDA Food Code is a recommendation, not a law).

Whoever owns the restaurant should have the right to decide whether or not to allow dogs. As a consumer, we have the right to chose whether or not to spend our money at these establishments. If a place can't be profitable because no one wants to go there because they dislike dogs, then the place will fail or be forced to change their policy. Dogs in restaurants are like kids in restaurants: if they behave reasonably well, we are happy to see them there.



DOG OWNERS OF THE GRANITE STATE

D.O.G.S. is an American Kennel Club affiliated non-profit organization founded in 1991 to represent the interests of all pet owners in New Hampshire.

Who we are –

Our membership includes:

- All Breed Kennel Clubs
- All Breed Cat Clubs
- Specialty Breed Clubs
- Pet Owners
- Grooming Shop Owners
- Boarding Kennel Owners
- Obedience Trainers
- Veterinarians
- Award winning Dog Writers
- Dog and Cat Breeders
- Hunters
- Mushers
- Livestock Guard Dog Owners
- Herding Dog Owners
- Specialty Pet Merchandise Small Businesses

Our members participate in dog and cat shows, fox hunting, obedience, agility, sled dog racing, field trials, tracking tests, search and rescue, lure coursing, rally, water rescue and carting events, tracking wounded deer and generally love, enjoy and take care of their dogs.

What we do –

D.O.G.S. monitors N.H. legislation to ensure that it is in the best interests of both pets and their owners. We maintain two web sites:

- <http://www.nhdogs.org> – posts bill information, hearing notices, and bill analysis.
- <http://www.nhpetsonline> – is an educational web site for pet owners. It contains veterinary medicine news including drug recalls and the latest health research, news stories of interest to N.H. pet owners, animal husbandry information and is designed to be a resource for the average pet owner in New Hampshire. It is new and continually evolving.

How we contribute –

Our members, both individually and through their organizations:

- Contribute to dog and cat health research;
- Supply pet oxygen masks to N.H. Fire Departments;
- Fund scholarships for N.H. veterinary students;
- Visit nursing homes;
- Breed Rescue;
- Support our town Parks & Recreation Departments;
- Support Army dogs in Iraq and Afghanistan;
- Teach Obedience, Agility, etc. Classes;
- Hold Rabies and Microchip Clinics;
- Annually, through their dog license fees, N.H. dog owners pay:
 - Over \$300,000 to fund NH's low cost spay and neuter program;
 - Approximately \$75,000 towards the N.H. Veterinary Diagnostic Lab;
 - Between \$600,000 and \$975,000 to fund local animal control for all animals – not just dogs.

Re: HB 1417

I am Sandra Teti. I oppose HB 1417.

I have been using a service dog for nearly five years. The tasks she performs for me are vital to my mobility. She provides support and balance when walking. She retrieves dropped items which I am unable to reach, opens accessible doors and performs other necessary tasks. Therefore, I depend upon my dog who must accompany me everywhere, including restaurants.

Distractions which interrupt a service dog's work may jeopardize the safety of both the service dog and its owner.

"Companion dogs" are nothing more than pet dogs. While I have no problem with a well trained pet dog, in the real world, most pet dogs are not well trained or well behaved.

Service dogs go through many months of extensive training. Our dogs do not bark and they are trained to lie down under a restaurant table, if at all possible. Most pet dogs will not lie quietly, under a table, for the duration of time required for its owner to order and leisurely enjoy a meal.

I am very concerned that I might find myself in a restaurant with my dog, only to discover a Pit Bull is either also present or entering the same establishment or a Great Dane, St. Bernard or a yippy little "tote bag dog", all of whom could easily distract and disturb a service dog.

Some owners like to feed their dogs morsels from their plates when dining. Some owners are unable to control their dogs who might stray as far as the leash will allow. Some dogs bark when they see another dog. These all present serious distractions to a service dog who is working while in a "down stay" command in a restaurant.

Passage of this bill would curtail my dining in a NH restaurant.

Thank you for your consideration of my concerns.

Respectfully Submitted,

Sandra Teti
1 Main St.
E. Rochester, NH 03868
603-332-8193
steti@turlach.net

Jennifer Decker
75 Longmeadow Lane #23
Portsmouth NH, 03801

April 29, 2010

Dear members of the Senate Commerce, Labor and Consumer Protection Committee:

My name is Jennifer Decker and I appreciate the opportunity to address you today regarding how the passage of HB 1417 could impact me and others with disabilities who rely on the assistance of service animals. This includes not only people with physical disabilities, but also those with visual or hearing impairments and those who have service animals who can alert or respond to seizures.

When my service dog is on duty, her focus needs to be on me and making sure that my needs are met. Being in the presence of other dogs which are not trained to the strict standards that most service animals are presents a huge distraction. Add to that the fact that this interaction would now be taking place in a restaurant and you have a recipe for disaster. Even for the most well behaved service animal, food can be a temptation, however, the training which these animals receive makes it possible for them to be in any public environment without causing disruption or neglecting the needs of their owner. I believe that most pet owners are well-intentioned in their belief that their dog would be well behaved in a public establishment, however, the training that a service animal receives prior to being granted public access is far stricter than that which most pet owners provide their dog.

Additionally I am concerned that if HB 1417 is passed, the boundaries between service animals and pets could become blurred. It is encouraging for me to see that most people understand the rules related to interacting with service animals in a public place, but my concern relates to what would happen if pets were to become commonplace in public establishments. People could get so accustomed to seeing a cute, friendly dog in the corner coffee shop that they may forget that a service animal that comes in is on duty.

By bringing my service animal out in public, I am able to be independent to the best of my ability. I have often encountered pet owners who believe that when their dog interacts with my service animal "the dogs are just being dogs". This may be acceptable in a casual situation such as when I take my service animal for a walk around the neighborhood or let her interact with my friends' pets. However, things change when she is wearing her work vest and is officially on duty. My fear is that if there are non-service dogs present in a restaurant when I'm trying to enjoy a meal by myself or with friends, their presence would compromise my service animal's ability assist me. This could possibly leave me in a vulnerable or unsafe position.

I hope that you will consider how the passage of HB 1417 could negatively affect the crucial work that service animals do for their owners with disabilities. Please do not support HB 1417.

I thank you for the opportunity to address the committee today and appreciate the important work you do to serve the citizens of New Hampshire.

Sincerely,

Jennifer Decker

Speakers

NB 1417

~~Tues April 27~~
~~Transportation Policy #201~~

RONALD E FINOCCHIARO
Fin-e-carro

opposed

Voting Sheets

Senate Commerce, Labor & Consumer Protection Committee *EXECUTIVE SESSION*

Bill # HB 1417

Hearing date: 4/29/10

Executive session date: 5/10/10

Motion of: DTP

VOTE: _____

<u>Made by</u>	Hassan <input type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>
	Reynolds <input type="checkbox"/>		Reynolds <input type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input checked="" type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input checked="" type="checkbox"/>		Bragdon <input type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

Motion of: DTP/A / ITL

VOTE: 3-3

<u>Made by</u>	Hassan <input checked="" type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>
	Reynolds <input type="checkbox"/>		Reynolds <input checked="" type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input checked="" type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hassan, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator DeVries, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Reynolds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Bragdon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 11, 2010

THE COMMITTEE ON Commerce, Labor and Consumer Protection
to which was referred House Bill 1417

AN ACT allowing companion dogs in certain areas of restaurants.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-3

AMENDMENT # s

Senator Jacalyn L. Cilley
For the Committee

Danielle Barker 271-3093

New Hampshire General Court - Bill Status System

Docket of HB1417

Docket Abbreviations

Bill Title: (New Title) allowing the companion dogs of restaurant owners in certain areas of restaurants.*Official Docket of HB1417:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Commerce and Consumer Affairs; HJ 6 , PG.239
01/22/2010	H	Public Hearing: 2/2/2010 10:00 AM LOB 302
01/27/2010	H	Executive Session: 2/4/2010 10:00 AM LOB 302
02/09/2010	H	Committee Report: Ought to Pass for Feb 17 CC (Vote 15-0); HC 14 , PG.580
02/17/2010	H	Ought to Pass: MA VV; HJ 18 , PG.933
03/03/2010	S	Introduced and Referred to Commerce, Labor and Consumer Protection
04/06/2010	S	Hearing: April 29, 2010, Room 103, State House, 12:45 p.m.; SC15
04/09/2010	S	Hearing: === TIME CHANGE === April 29, 2010, Room 103, State House, 12:30 p.m.; SC16
05/11/2010	S	Committee Report: Inexpedient to Legislate, 5/12/10; SC19A
05/12/2010	S	Without Objection, Chair moved to Special Order to the end of the Calendar; SJ 18 , Pg.417
05/12/2010	S	Committee Report: Inexpedient to Legislate, 5/12/10
05/12/2010	S	Without Objection, Chair moved to Special Order to 5/13/10; SJ 18 , Pg.496
05/12/2010	S	Committee Report: Inexpedient to Legislate, 5/13/10
05/13/2010	S	Inexpedient to Legislate, MF, VV; SJ 19 , Pg.522
05/13/2010	S	Sen. Hassan moved Ought to Pass; SJ 19 , Pg.522
05/13/2010	S	Sen. Hassan Floor Amendment 2048s, NT, Division 13Y-11N, AA; SJ 19 , Pg.522
05/13/2010	S	Ought to Pass with Amendment 2048s, NT, MA, VV; OT3rdg; SJ 19 , Pg.522
05/13/2010	S	Passed by Third Reading Resolution; SJ 19 , Pg.633
05/19/2010	H	House Non-Concurs with Senate AM and Requests Comm of Conf (Rep Hess): MA VV; HJ 46 , PG.2239
05/19/2010	H	Speaker Appoints: Reps Butler, Hammond, Schlachman & Nevins; HJ 46 , PG.2239
05/19/2010	S	Sen. Hassan accedes to House Request for Committee of Conference, MA, VV; SJ 20 , Pg.656
05/19/2010	S	President Appoints: Senators Hassan, Cilley and Bragdon; SJ 20 , Pg.656
05/21/2010	H	Conference Committee Meeting: 5/26/2010 10:15 AM LOB 302
05/27/2010	S	Conferee Change; Senator Sgambati Replaces Senator Bragdon; SJ 20 , Pg.657
05/27/2010	S	Conference Committee Report 2301; Senate Amendment + New Amendment, Filed
06/02/2010	S	Conference Committee Report 2301; Adopted, VV; SJ 21 , Pg.681

06/02/2010	H	Conference Committee Report #2301 Adopted, VV; HJ 51 , PG.2314
06/02/2010	S	Enrolled Bill Amendment #2419 Adopted; SJ 21 , Pg.763
06/02/2010	H	Enrolled Bill Amendment #2419 Adopted; HJ 51 , PG.2324
06/02/2010	S	Enrolled; SJ 21 , Pg.778
06/02/2010	H	Enrolled; HJ 51 , PG.2327
07/15/2010	H	Signed by the Governor 07/13/2010; Effective 09/11/2010; Chapter 0305

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1417 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
- List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1 THRU 4
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 19885 _____ - AMENDMENT # _____
- _____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED _____ AS AMENDED BY THE HOUSE
- FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

- EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 10/4/10



COMMITTEE SECRETARY