
By: **Delegates Shank, Aumann, Donoghue, Elliott, Frank, Kelly, McKee,
Myers, and Weldon**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Maryland Service Animal Act

FOR the purpose of reorganizing certain provisions of law relating to service dogs; providing for certain types of identification that can be used to identify a service animal or animal being trained as a service animal; requiring a certain service animal trainer or organization to hold a certain certification by a certain entity; authorizing individuals with a disability to train certain animals if the individual is a certified service animal trainer; requiring a certain animal to hold a certain certification by a certain entity; requiring a certified service animal to undergo a certain annual recertification; requiring the Secretary of Disabilities, in consultation with the Governor's Office of Homeland Security, to implement a certain community awareness and training program that provides annual training for certain individuals; authorizing the Secretary of Disabilities to adopt regulations; authorizing the Police Training Commission to require certain training on the application and enforcement of laws concerning individuals with a disability accompanied by service animals; defining certain terms; making conforming changes; and generally relating to individuals with a disability and service animals.

BY repealing and reenacting, with amendments,
Article 30 - Deaf, Mute or Blind
Section 33(d) and (g) through (i)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY repealing
Article 30 - Deaf, Mute and Blind
Section 33(f), (j), (k), and (l)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY adding to
Article 30 - Deaf, Mute or Blind

Section 35
 Annotated Code of Maryland
 (2003 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, without amendments,
 Article - Public Safety
 Section 3-201(a), (b), and (f)
 Annotated Code of Maryland
 (2003 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,
 Article - Public Safety
 Section 3-207
 Annotated Code of Maryland
 (2003 Volume and 2005 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 30 - Deaf, Mute or Blind

33.

(d) (1) The blind or the visually handicapped and the deaf or hearing impaired are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations, amusement, or resort, or other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable to all persons.

(2) [A blind or visually handicapped pedestrian using a service dog and not carrying a cane predominantly white or metallic in color (with or without a red tip); or a deaf or hearing impaired pedestrian using a service dog not wearing an orange license tag or orange collar and on a leash; or a blind or visually handicapped pedestrian or a deaf or hearing impaired pedestrian using a service dog in any of the places, accommodations or conveyances listed in paragraph (1) of this subsection; or a service dog trainer accompanied by a dog that is being trained as a service dog displaying the identification required by subsection (1) of this section, has all the rights and privileges conferred by law upon any other person.

(3) The failure of a blind or visually handicapped pedestrian to carry a cane predominantly white or metallic in color (with or without a red tip) [or a deaf or hearing impaired pedestrian to use a service dog wearing an orange license tag, orange collar and on a leash, or to use a service dog] in any of the places, accommodations, or conveyances listed in paragraph (1) of this subsection shall not be held to constitute contributory negligence per se.

[(f) Every blind or visually handicapped person or deaf or hearing impaired person has the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in paragraph (1) of subsection (d) of this section, without being required to pay an extra charge for the service dog; however, the person is liable for any damage done to the premises or facilities by the service dog.]

[(g) (F) (1) Any person or persons, firm, or corporation, or the agent of any person or persons, firm, or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in this section, or otherwise interferes with the rights of a blind or visually handicapped person or a deaf or hearing impaired person under this section, is guilty of a misdemeanor and subject upon conviction to a fine not exceeding \$500 for each offense.

(2) In addition to any other remedy provided under this Code for a violation of this article, any individual, firm, or corporation, or the agent of any individual, firm, or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in this section, or otherwise interferes with the rights of a blind or visually handicapped person or a deaf or hearing impaired person under this section, may be subject to a civil action for injunctive relief.

[(h) (G) Each year the Governor shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation in which he comments upon the significance of the white cane; calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the visually handicapped; reminds citizens of the State of the policies with respect to the blind and urges the citizens to cooperate in giving effect to them; emphasizes the need of the citizens to be aware of the presence of visually handicapped persons in the community and to keep safe and functional for the blind or visually handicapped the streets, highways, sidewalks, walkways, public accommodations, public buildings, public facilities, other public places, amusement and resort, and other places to which the public is invited; and offers assistance to the blind or visually handicapped person upon appropriate occasions.

[(i) (H) (1) Blind or visually handicapped persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in the State of Maryland, subject to the conditions and limitations established by law, or State or federal regulations, and applicable to all persons alike.

(2) "Housing accommodations" means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but does not include any accommodations, included within paragraph (1) of this subsection, or any single family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(3) Nothing in this section requires any person renting or leasing housing accommodations to modify his property in any way or provide a higher degree

of care for a blind person or visually handicapped person, than for a person who is not blind or visually handicapped.

[(4) Every blind or visually handicapped person or deaf or hearing impaired person who has a service dog, or who obtains a service dog, or who may wish to obtain a service dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually handicapped persons or deaf or hearing impaired persons shall not be required to pay extra compensation for service dogs, however the person may be liable for any damages done to the premises or facilities by the service dog.]

[(j) (1) In this section, "mobility impaired person" means a person who is unable to carry objects or to move or travel about without the use of an assistive device or service dog.

(2) (i) A mobility impaired person may be accompanied by a service dog especially trained for the purpose in any place where a blind or visually handicapped or deaf or hearing impaired person has the right to be accompanied by a service dog.

(ii) A mobility impaired person accompanied by a service dog as described under this subsection may not be required to pay extra compensation for the service dog, however the mobility impaired person may be liable for any damages to the premises or facilities caused by the service dog.

(3) This section does not require any physical modification of any place or vehicle in order to admit a mobility impaired person accompanied by a service dog.

(4) Any person who denies or interferes with the admittance of a service dog accompanying a mobility impaired person is subject to the same penalties as provided in subsection (g) of this section for the denial or interference with the admittance of a service dog accompanying a blind or visually handicapped or deaf or hearing impaired person.

(k) (1) In this subsection, "service dog trainer" means a person who trains service dogs for blind or visually handicapped persons, deaf or hearing impaired persons, or mobility impaired persons.

(2) (i) Except as provided in paragraph (3) of this subsection, a service dog trainer may be accompanied by a dog that is being trained as a service dog in any place where a blind or visually handicapped, deaf or hearing impaired, or mobility impaired person has the right to be accompanied by a service dog.

(ii) A service dog trainer accompanied by a dog that is being trained as a service dog may not be required to pay extra compensation for the service dog; however, the service dog trainer organization that certifies the service dog may be liable for any personal injuries or damages to the premises or facilities caused by the service dog.

(3) A dog being trained as a service dog accompanied by a service dog trainer may be excluded from any of the places described in this section if the admission of the dog would create a clear danger of a disturbance or physical harm to a person in the establishment.

(4) Subject to paragraph (3) of this subsection, any person who denies or interferes with the admittance of a dog being trained as a service dog accompanied by a service dog trainer is subject to a fine not to exceed \$25 for each offense.

(1) A blind or visually handicapped or deaf or hearing impaired or mobility impaired person accompanied by a service dog or service dog trainer accompanied by a dog that is being trained as a service dog shall display identification issued by a service dog trainer organization which trains and certifies service dogs for the disabled.]

35.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.

(3) "DISABILITY" HAS THE MEANING STATED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990.

(4) "HOUSING ACCOMMODATIONS" HAS THE MEANING STATED IN § 33(H)(2) OF THIS ARTICLE.

(5) "INDIVIDUAL WITH A DISABILITY" HAS THE MEANING STATED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990.

(6) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING STATED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990.

(7) "SECRETARY" MEANS THE SECRETARY OF DISABILITIES.

(8) (I) "SERVICE ANIMAL" MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER ANIMAL INDIVIDUALLY TRAINED TO PROVIDE ASSISTANCE TO AN INDIVIDUAL WITH A DISABILITY.

(II) "SERVICE ANIMAL" INCLUDES AN ASSISTANCE ANIMAL.

(III) "SERVICE ANIMAL" DOES NOT INCLUDE A COMPANION ANIMAL, A PET, A POLICE DOG, OR A THERAPY ANIMAL.

(9) "SERVICE ANIMAL TRAINER" MEANS AN INDIVIDUAL WHO TRAINS SERVICE ANIMALS.

(10) "SERVICE ANIMAL TRAINER ORGANIZATION" MEANS AN ORGANIZATION THAT TRAINS AND CERTIFIES SERVICE ANIMALS.

(B) THE FOLLOWING INDIVIDUALS SHALL HAVE ALL OF THE RIGHTS AND PRIVILEGES CONFERRED BY LAW ON ANY OTHER PERSON:

(1) AN INDIVIDUAL WITH A DISABILITY USING A SERVICE ANIMAL AND NOT CARRYING A CANE PREDOMINANTLY WHITE OR METALLIC IN COLOR, WITH OR WITHOUT A RED TIP;

(2) AN INDIVIDUAL WITH A DISABILITY USING A SERVICE ANIMAL NOT WEARING AN ORANGE LICENSE TAG OR ORANGE COLLAR AND ON A LEASH;

(3) AN INDIVIDUAL WITH A DISABILITY USING A SERVICE ANIMAL IN ANY OF THE PLACES, ACCOMMODATIONS, OR CONVEYANCES DESCRIBED IN § 33(D) OF THIS ARTICLE OR IN A PLACE OF PUBLIC ACCOMMODATION; OR

(4) A SERVICE ANIMAL TRAINER ACCOMPANIED BY AN ANIMAL THAT IS BEING TRAINED AS A SERVICE ANIMAL, DISPLAYING THE IDENTIFICATION REQUIRED BY SUBSECTION (H) OF THIS SECTION.

(C) THE FOLLOWING ACTIONS MAY NOT BE HELD TO CONSTITUTE CONTRIBUTORY NEGLIGENCE PER SE:

(1) THE FAILURE OF AN INDIVIDUAL WITH A DISABILITY TO USE A SERVICE ANIMAL WEARING AN ORANGE LICENSE TAG OR ORANGE COLLAR AND ON A LEASH; OR

(2) THE FAILURE OF AN INDIVIDUAL WITH A DISABILITY TO USE A SERVICE ANIMAL IN ANY OF THE PLACES, ACCOMMODATIONS, OR CONVEYANCES DESCRIBED IN § 33(D) OF THIS ARTICLE OR IN A PLACE OF PUBLIC ACCOMMODATION.

(D) (1) AN INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE ACCOMPANIED BY A SERVICE ANIMAL IN ANY OF THE PLACES DESCRIBED IN § 33(D) OF THIS ARTICLE OR IN A PLACE OF PUBLIC ACCOMMODATION WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE SERVICE ANIMAL.

(2) (I) THIS SUBSECTION DOES NOT REQUIRE ANY PHYSICAL MODIFICATION OF A PLACE OR VEHICLE IN ORDER TO ADMIT AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL.

(II) AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL MAY BE LIABLE FOR ANY DAMAGE CAUSED BY THE SERVICE ANIMAL.

(E) (1) A PERSON WHO INTERFERES WITH THE RIGHTS OF AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

(2) IN ADDITION TO ANY OTHER REMEDY PROVIDED BY STATE LAW FOR A VIOLATION OF THIS ARTICLE, A PERSON WHO INTERFERES WITH THE RIGHTS OF

AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL UNDER THIS SECTION MAY BE SUBJECT TO A CIVIL ACTION FOR INJUNCTIVE RELIEF.

(F) (1) AN INDIVIDUAL WITH A DISABILITY WHO HAS A SERVICE ANIMAL, OBTAINS A SERVICE ANIMAL, OR WISHES TO OBTAIN A SERVICE ANIMAL, IS ENTITLED TO FULL AND EQUAL ACCESS TO ALL HOUSING ACCOMMODATIONS PROVIDED FOR IN § 33(H) OF THIS ARTICLE.

(2) (I) AN INDIVIDUAL WITH A DISABILITY MAY NOT BE REQUIRED TO PAY EXTRA COMPENSATION FOR A SERVICE ANIMAL.

(II) AN INDIVIDUAL WITH A DISABILITY MAY BE LIABLE FOR ANY DAMAGE TO THE PREMISES OR FACILITIES CAUSED BY A SERVICE ANIMAL.

(G) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A SERVICE ANIMAL TRAINER MAY BE ACCOMPANIED BY AN ANIMAL THAT IS BEING TRAINED AS A SERVICE ANIMAL IN ANY PLACE WHERE AN INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE ACCOMPANIED BY A SERVICE ANIMAL.

(II) A SERVICE ANIMAL TRAINER ACCOMPANIED BY AN ANIMAL THAT IS BEING TRAINED AS A SERVICE ANIMAL MAY NOT BE REQUIRED TO PAY EXTRA COMPENSATION FOR THE SERVICE ANIMAL.

(III) THE SERVICE ANIMAL TRAINER ORGANIZATION THAT CERTIFIES THE SERVICE ANIMAL MAY BE LIABLE FOR ANY PERSONAL INJURIES OR DAMAGE TO THE PREMISES OR FACILITIES CAUSED BY THE SERVICE ANIMAL.

(2) AN ANIMAL BEING TRAINED AS A SERVICE ANIMAL ACCOMPANIED BY A SERVICE ANIMAL TRAINER MAY BE EXCLUDED FROM ANY OF THE PLACES DESCRIBED IN § 33(D) OF THIS ARTICLE OR A PLACE OF PUBLIC ACCOMMODATION, IF THE ADMISSION OF THE ANIMAL WOULD CREATE A CLEAR DANGER OF A DISTURBANCE OR PHYSICAL HARM TO AN INDIVIDUAL IN THE ESTABLISHMENT.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO DENIES OR INTERFERES WITH THE ADMITTANCE OF AN ANIMAL BEING TRAINED AS A SERVICE ANIMAL ACCOMPANIED BY A SERVICE ANIMAL TRAINER IS SUBJECT TO A FINE NOT EXCEEDING \$25 FOR EACH OFFENSE.

(H) AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL OR A SERVICE ANIMAL TRAINER ACCOMPANIED BY AN ANIMAL THAT IS BEING TRAINED AS A SERVICE ANIMAL SHALL DISPLAY IDENTIFICATION ISSUED BY A SERVICE ANIMAL TRAINER ORGANIZATION, INCLUDING:

(1) A CERTIFICATE CARRIED ON THE ANIMAL;

(2) A TAG ON THE COLLAR;

(3) PHOTO IDENTIFICATION OF THE ANIMAL AND THE OWNER TOGETHER, CARRIED ON THE OWNER AND THE ANIMAL; OR

(4) A HARNESS, CAPE, OR OTHER IDENTIFYING ITEM THAT DEMONSTRATES THAT THE ANIMAL IS A SERVICE ANIMAL OR A "PLEASE DO NOT PET, I'M WORKING" SIGN.

(I) (1) A SERVICE ANIMAL TRAINER OR SERVICE ANIMAL TRAINER ORGANIZATION SHALL HOLD A CURRENT CERTIFICATION AS A SERVICE ANIMAL TRAINER OR SERVICE ANIMAL TRAINER ORGANIZATION BY ASSISTANCE DOG INTERNATIONAL, OR ANY OTHER ENTITY DESIGNATED BY THE SECRETARY.

(2) AN INDIVIDUAL WITH A DISABILITY MAY TRAIN AN ANIMAL AS A SERVICE ANIMAL IF THE INDIVIDUAL WITH A DISABILITY IS A CERTIFIED SERVICE ANIMAL TRAINER, AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

(J) (1) A SERVICE ANIMAL SHALL HOLD A CURRENT CERTIFICATION AS A SERVICE ANIMAL BY ASSISTANCE DOG INTERNATIONAL, OR ANY OTHER ENTITY DESIGNATED BY THE SECRETARY.

(2) A CERTIFIED SERVICE ANIMAL SHALL UNDERGO AN ANNUAL RECERTIFICATION BY A CERTIFIED SERVICE ANIMAL TRAINER OR A CERTIFIED SERVICE ANIMAL TRAINER ORGANIZATION.

(K) THE SECRETARY, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF HOMELAND SECURITY, SHALL IMPLEMENT A COMMUNITY AWARENESS AND TRAINING PROGRAM THAT PROVIDES ANNUAL TRAINING FOR FIRST RESPONDERS, EMERGENCY SHELTER OPERATORS, AND 911 OPERATORS ON LOCAL, STATE, AND FEDERAL LAWS RELATING TO:

(1) SERVICE ANIMALS; AND

(2) ACCOMMODATIONS FOR AN INDIVIDUAL WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL.

(L) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article - Public Safety

3-201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Commission" means the Police Training Commission.

(f) "Secretary" means the Secretary of Public Safety and Correctional Services.

3-207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including:

(i) the sexual abuse of children;

(ii) related evidentiary procedures; and

(iii) the contact with and treatment of victims of these crimes;

(7) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT LEAST EVERY 3 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING, ATTENTION TO, AND STUDY OF THE APPLICATION AND ENFORCEMENT OF THE LAWS CONCERNING INDIVIDUALS WITH A DISABILITY ACCOMPANIED BY A SERVICE ANIMAL.

[(7)] (8) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

[(8)] (9) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

[(9)] (10) to conduct and operate police training schools authorized by the Commission to offer police training programs;

[(10)] (11) to make a continuous study of entrance-level and in-service training methods and procedures;

[(11)] (12) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

[(12)] (13) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

[(13)] (14) to consult and cooperate with other agencies and units of the State concerned with police training; and

[(14)] (15) to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.