

# SENATE BILL 796

O3, P1

4lr0476

---

By: **Senators Simonaire, King, Elfreth, and Carozza**

Introduced and read first time: February 1, 2024

Assigned to: Finance

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2024

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Disability Service Animal Program – Established**

3 FOR the purpose of establishing the Maryland Disability Service Animal Program in the  
4 Department of Disabilities; requiring the Department to select a nonprofit training  
5 entity for participation in the Program; establishing the Maryland Disability Service  
6 Animal Program Fund as a special, nonlapsing fund; and generally relating to the  
7 Maryland Disability Service Animal Program.

8 BY repealing and reenacting, with amendments,  
9 Article – Human Services  
10 Section 7–114  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2023 Supplement)

13 ~~BY repealing and reenacting, without amendments,  
14 ~~Article – Human Services  
15 ~~Section 7–401(a) and (d)  
16 ~~Annotated Code of Maryland  
17 ~~(2019 Replacement Volume and 2023 Supplement)~~~~~~~~~~

18 BY adding to  
19 Article – Human Services  
20 Section 7–1101 through 7–1106 to be under the new subtitle “Subtitle 11. Maryland  
21 Disability Service Animal Program”  
22 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2019 Replacement Volume and 2023 Supplement)

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

**Article – Human Services**

7–114.

(a) (1) The Department is the principal unit of State government responsible for developing, maintaining, revising, and enforcing statewide disability policies and standards throughout the units of State government.

(2) In this capacity, the Department shall:

(i) serve as the principal advisor to the Governor on the means and methods available to:

1. implement and fund support to individuals with disabilities in accordance with the State Disabilities Plan;

2. modify or consolidate support to individuals with disabilities; and

3. collaborate with federal, regional, and local units of government to enhance the effectiveness of the provision and funding of support to individuals with disabilities;

(ii) annually recommend projects to the Department of Budget and Management for inclusion in the capital budget to promote access to State-owned facilities for individuals with disabilities;

(iii) assist units of State government to identify federal, State, local, and private funds available to the State for programs and services for individuals with disabilities; and

(iv) provide technical assistance to local jurisdictions in planning and implementing collaborative strategies consistent with the State Disabilities Plan.

(b) The Department shall oversee and administer the following programs and units:

(1) constituent services and ombudsmen programs;

(2) the Assistive Technology Guaranteed Loan Program under Subtitle 6 of this title;

1 (3) the Office of Personal Assistance Services, including the Attendant  
2 Care Program under Subtitle 4 of this title;

3 (4) Telecommunications Access of Maryland under Subtitle 8 of this title;  
4 [and]

5 (5) Telecommunications Devices and Distribution of Accessible  
6 Information for Disabled Individuals under Subtitle 9 of this title; AND

7 **(6) THE MARYLAND DISABILITY SERVICE ANIMAL PROGRAM UNDER**  
8 **SUBTITLE 11 OF THIS TITLE.**

9 ~~7-401.~~

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

11 ~~(d) "Eligible individual" means an individual who:~~

12 ~~(1) is at least 18 years old and under the age of 65 years at the time of the~~  
13 ~~initial eligibility determination; and~~

14 ~~(2) has a severe chronic or permanent physical disability that precludes or~~  
15 ~~significantly impairs the individual's independent performance of essential activities of~~  
16 ~~daily living, self care, or mobility.~~

17 **SUBTITLE 11. MARYLAND DISABILITY SERVICE ANIMAL PROGRAM.**

18 **7-1101.**

19 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

21 **(B) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.**

22 **(C) "ELIGIBLE INDIVIDUAL" ~~HAS THE MEANING STATED IN § 7-401 OF THIS~~**  
23 **TITLE MEANS AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN THE FEDERAL**  
24 **AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**

25 **(D) "FUND" MEANS THE MARYLAND DISABILITY SERVICE ANIMAL**  
26 **PROGRAM FUND.**

27 **(E) "NONPROFIT TRAINING ENTITY" MEANS A CORPORATION, A**  
28 **FOUNDATION, OR ANY OTHER LEGAL ENTITY THAT:**

1           (1) IS TAX-EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE  
2 CODE;

3           (2) ENGAGES IN THE TRAINING OF SERVICE ANIMALS FOR USE BY  
4 ELIGIBLE INDIVIDUALS; AND

5           (3) HAS BEEN SELECTED BY THE DEPARTMENT TO PROVIDE  
6 SERVICES UNDER THIS SUBTITLE.

7           (F) "PROGRAM" MEANS THE MARYLAND DISABILITY SERVICE ANIMAL  
8 PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

9           (G) "PROGRAM PARTICIPANT" MEANS AN ELIGIBLE INDIVIDUAL WHO  
10 PARTICIPATES IN THE PROGRAM.

11           (H) (1) "SERVICE ANIMAL" MEANS AN ANIMAL THAT IS INDIVIDUALLY  
12 TRAINED TO DO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL  
13 WITH A DISABILITY.

14           (2) "SERVICE ANIMAL" DOES NOT INCLUDE AN ANIMAL THAT:

15                   (I) AS A RESULT OF THE ANIMAL'S PRESENCE, IS MEANT TO  
16 DETER CRIME; OR

17                   (II) PROVIDES ONLY EMOTIONAL SUPPORT, WELL-BEING,  
18 COMFORT, OR COMPANIONSHIP TO AN INDIVIDUAL.

19           (I) "SUCCESSFUL PROGRAM PARTICIPANT" MEANS A PROGRAM  
20 PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING PROTOCOL  
21 SPECIFIED BY A NONPROFIT TRAINING ENTITY.

22 7-1102.

23           THERE IS A MARYLAND DISABILITY SERVICE ANIMAL PROGRAM IN THE  
24 DEPARTMENT.

25 7-1103.

26           THE PURPOSES OF THE PROGRAM ARE TO:

27           (1) REFER ELIGIBLE INDIVIDUALS WHO INQUIRE ABOUT  
28 PARTICIPATION IN THE PROGRAM TO ONE OR MORE NONPROFIT TRAINING  
29 ENTITIES;

1           **(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST**  
2 **ELIGIBLE INDIVIDUALS IN THE PROGRAM; AND**

3           **(3) ENCOURAGE SUCCESSFUL PROGRAM PARTICIPANTS TO ASSIST IN**  
4 **OUTREACH AND REFERRALS TO OTHER ELIGIBLE INDIVIDUALS WHO COULD**  
5 **BENEFIT FROM PARTICIPATION IN THE PROGRAM.**

6 **7-1104.**

7           **THE DEPARTMENT SHALL:**

8           **(1) MANAGE, SUPERVISE, AND ADMINISTER THE PROGRAM;**

9           **(2) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM AND TO**  
10 **ENSURE THAT FUND RESOURCES ARE UTILIZED TO CARRY OUT THE PURPOSES OF**  
11 **THE PROGRAM, INCLUDING REGULATIONS ESTABLISHING PROCEDURES FOR THE**  
12 **DEPARTMENT TO:**

13           **(I) PROMOTE THE PROGRAM TO ELIGIBLE INDIVIDUALS**  
14 **THROUGH THE DEPARTMENT'S OUTREACH METHODS;**

15           **(II) REFER ELIGIBLE INDIVIDUALS TO SELECTED NONPROFIT**  
16 **TRAINING ENTITIES;**

17           **(III) RECEIVE DONATIONS FOR THE FUND; AND**

18           **(IV) USE REVENUE FROM THE FUND TO PAY SELECTED**  
19 **NONPROFIT TRAINING ENTITIES FOR SERVICES THAT ARE PROVIDED THROUGH THE**  
20 **PROGRAM; AND**

21           **(3) SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:**

22           **(I) DEVELOP AND IMPLEMENT A TRAINING PROTOCOL THAT**  
23 **WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND**  
24 **TECHNIQUES FOR PARTNERING WITH SERVICE ANIMALS;**

25           **(II) SELECT QUALIFIED PROGRAM PARTICIPANTS FROM THOSE**  
26 **ELIGIBLE INDIVIDUALS REFERRED TO THE NONPROFIT ENTITY UNDER THE**  
27 **PROGRAM;**

28           **(III) SELECT AN APPROPRIATE SERVICE ANIMAL FOR EACH**  
29 **PROGRAM PARTICIPANT;**

1 (IV) FACILITATE EACH PROGRAM PARTICIPANT'S TRAINING  
2 USING THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL; AND

3 (V) PARTNER EACH SUCCESSFUL PROGRAM PARTICIPANT WITH  
4 THE SERVICE ANIMAL ON THE PROGRAM PARTICIPANT'S SUCCESSFUL COMPLETION  
5 OF THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL.

6 7-1105.

7 (A) TO BE ELIGIBLE FOR SELECTION AS A NONPROFIT TRAINING ENTITY  
8 UNDER § 7-1104 OF THIS SUBTITLE, A NONPROFIT TRAINING ENTITY SHALL:

9 (1) SERVE THE NEEDS OF ELIGIBLE INDIVIDUALS IN THE STATE; AND

10 (2) GENERATE ITS OWN REVENUE AND REINVEST THE PROCEEDS OF  
11 THAT REVENUE IN THE GROWTH AND DEVELOPMENT OF ITS PROGRAMS.

12 (B) A NONPROFIT TRAINING ENTITY MAY DISQUALIFY A PROGRAM  
13 PARTICIPANT FROM PARTICIPATION IN THE PROGRAM IF THE NONPROFIT  
14 TRAINING ENTITY DETERMINES THAT THE PROGRAM PARTICIPANT'S INVOLVEMENT  
15 IN THE PROGRAM:

16 (1) PRESENTS A DANGER TO THE PROGRAM PARTICIPANT'S MENTAL  
17 OR PHYSICAL WELL-BEING;

18 (2) ~~HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO OTHERS, AN~~  
19 ~~ANIMAL, OR PROPERTY;~~ PRESENTS A DIRECT THREAT TO OTHERS, AS DEFINED BY  
20 THE FEDERAL AMERICANS WITH DISABILITIES ACT;

21 (3) PRESENTS A ~~DANGER~~ DIRECT THREAT TO THE SERVICE ANIMAL'S  
22 MENTAL OR PHYSICAL WELL-BEING; OR

23 (4) DOES NOT MEET THE TRAINING REQUIREMENTS OF THE  
24 NONPROFIT.

25 (C) A PROGRAM PARTICIPANT MAY DISCONTINUE INVOLVEMENT IN THE  
26 PROGRAM FOR ANY REASON.

27 7-1106.

28 (A) THERE IS A MARYLAND DISABILITY ANIMAL SERVICE FUND.

29 (B) THE PURPOSE OF THE FUND IS TO:

1           (1)    PAY A NONPROFIT TRAINING ENTITY; AND

2           (2)    COVER THE COSTS OF ADMINISTERING THE PROGRAM.

3           (C)    THE SECRETARY SHALL ADMINISTER THE FUND.

4           (D)    (1)   THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
5 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

6                   (2)   THE STATE TREASURER SHALL HOLD THE FUND, AND THE  
7 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

8           (E)    (1)   THE FUND CONSISTS OF:

9                           (I)    REVENUE COLLECTED BY THE DEPARTMENT IN THE FORM  
10 OF DONATIONS TO THE PROGRAM;

11                          (II)   MONEY APPROPRIATED IN THE STATE BUDGET TO THE  
12 FUND; AND

13                          (III)  ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
14 FOR THE BENEFIT OF THE FUND.

15                   (2)   EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN  
16 ACCORDANCE WITH THE STATE BUDGET.

17                   (3)   MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS  
18 NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE  
19 APPROPRIATED FOR THE PROGRAM.

20           (F)    THE FUND MAY BE USED ONLY TO PAY:

21                   (1)    A NONPROFIT TRAINING ENTITY; AND

22                   (2)    ADMINISTRATIVE COSTS OF THE PROGRAM.

23           (G)    (1)   THE STATE TREASURER SHALL INVEST AND REINVEST THE  
24 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE  
25 INVESTED.

26                   (2)   ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED  
27 TO THE GENERAL FUND OF THE STATE.

28           (H)    FOR THE PURPOSE OF IMPLEMENTING THIS SECTION, THE  
29 DEPARTMENT MAY ACCEPT GIFTS OR GRANTS FOR DONATION TO THE FUND.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2024.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.