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April 23, 2007

The Honorable Martin J. O'Malley  
Governor of Maryland  
State House  
Annapolis, Maryland 21401-1991

**Re: House Bill 505**

Dear Governor:

We have reviewed and hereby approve the constitutionality and legal sufficiency of House Bill 505, which amends the law relating to individuals with disabilities and service animals.

The bill replaces references to "service dogs" in the Human Services Article with "service animals." This term is consistent with the language used in the federal Americans with Disabilities Act (ADA). 28 C.F.R. § 36.104. The bill also repeals a requirement that an individual with a disability who is accompanied by a service dog or a person who is training the service dog display identification issued by service dog trainer organization certifying that the dog is a service dog. This change also will bring Maryland law in line with the ADA. The Department of Justice issued an interpretation directed at businesses stating, "Business may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability." *See Grill v. Costco Wholesale Corp.*, 312 F. Supp. 2d 1349 (W.D. Wash. 2004).

Finally, House Bill 505 requires organizations that provide "a professional training program...concerning the rights of individuals with disabilities" to first responders, emergency shelter operators and 9-1-1 operators to "include a segment concerning the rights of disabilities who are accompanied by service animals." According to disability advocates, this training is needed as evidenced by the fact that during Hurricane Katrina, disabled persons who refused to be separated from their service animal were denied evacuation by emergency workers.

For these reasons, it is our view that House Bill 505 is legally sufficient and constitutional.

Sincerely,

/s/

Douglas F. Gansler  
Attorney General