

HOUSE BILL 505

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71r1098

By: **Delegates Kullen, Boteler, Bromwell, N. King, Levy, and Montgomery**
Introduced and read first time: February 6, 2007
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Service Animal Reform Act – “Gretchen’s Law”**

3 FOR the purpose of expanding certain provisions concerning individuals with certain
4 disabilities to include service animals; repealing certain provisions requiring
5 certain individuals accompanied by service animals to display certain
6 identification; increasing certain fines for certain violations; requiring the
7 Secretary of Disabilities to develop and implement a certain training program
8 for certain individuals in consultation with certain groups; and generally
9 relating to individuals with disabilities and service animals.

10 BY repealing and reenacting, with amendments,

11 Article – Human Services

12 Section 7–701, 7–704, 7–705, 7–707, and 7–708

13 Annotated Code of Maryland

14 (As enacted by Chapter __ (S.B. 6) of the Acts of the General Assembly of 2007)

15 BY adding to

16 Article – Human Services

17 Section 7–708

18 Annotated Code of Maryland

19 (As enacted by Chapter __ (S.B. 6) of the Acts of the General Assembly of 2007)

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

22 **Article – Human Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-701.

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

3 (b) "Blind" means:

4 (1) a visual acuity not exceeding 20/200 in the better eye with
5 corrective lenses; or

6 (2) a visual field of which the widest diameter subtends an angle of not
7 more than 20 degrees.

8 (c) "Deaf" means a permanent hearing loss:

9 (1) that necessitates the use of amplification devices to hear oral
10 communication; or

11 (2) for which amplification devices are ineffective.

12 (d) "Housing accommodations" means real property, or a portion of real
13 property, that is:

14 (1) offered for compensation; and

15 (2) used or occupied, or intended to be used or occupied, as the
16 residence or lodging of at least one individual.

17 (e) "Mobility impaired" means an inability to carry objects or to move or
18 travel without the use of an assistive device or service [dog] **ANIMAL**.

19 (f) "Service [dog] **ANIMAL** trainer" means a person who trains service [dogs]
20 **ANIMALS** for:

21 (1) blind or visually impaired individuals;

22 (2) deaf or hard of hearing individuals; or

23 (3) mobility impaired individuals.

24 7-704.

1 (a) Blind, visually impaired, deaf, and hard of hearing individuals have the
2 same right as individuals without those disabilities to the full and free use of the
3 roads, sidewalks, public buildings, public facilities, and other public places.

4 (b) (1) Blind, visually impaired, deaf, and hard of hearing individuals are
5 entitled to full and equal rights and privileges with respect to common carriers and
6 other public conveyances or modes of transportation, places of public accommodations,
7 and other places to which the general public is invited, subject only to any conditions
8 and limitations of general application established by law.

9 (2) The failure of a blind or visually impaired pedestrian to carry a
10 cane predominantly white or metallic in color, with or without a red tip, or a deaf or
11 hard of hearing pedestrian to use a service [dog] **ANIMAL** wearing an orange license
12 tag or orange collar and on a leash, or to use a service [dog] **ANIMAL** in a place,
13 accommodation, or conveyance listed in paragraph (1) of this subsection does not
14 constitute contributory negligence per se.

15 (c) (1) This subsection does not apply to any accommodations or single
16 family residence in which the occupants offer for compensation not more than one
17 room.

18 (2) A blind or visually impaired individual is entitled to the same
19 access as other members of the general public to housing accommodations in the State,
20 subject to any conditions and limitations of general application established by law.

21 (3) A blind, visually impaired, deaf, or hard of hearing individual who
22 has, obtains, or may wish to obtain a service [dog] **ANIMAL** is entitled to full and equal
23 access to housing accommodations.

24 (4) A blind, visually impaired, deaf, or hard of hearing individual who
25 is accompanied by a service [dog] **ANIMAL** may not be required to pay extra
26 compensation for the service [dog] **ANIMAL**, but the individual may be liable for
27 damages to the premises or facilities that the service [dog] **ANIMAL** causes.

28 7-705.

29 (a) The following individuals have all the same rights and privileges
30 conferred by law on other individuals:

31 (1) a blind or visually impaired pedestrian using a service [dog]
32 **ANIMAL** and not carrying a cane predominantly white or metallic in color, with or
33 without a red tip;

1 (2) a deaf or hard of hearing pedestrian using a service [dog] ANIMAL
2 not wearing an orange license tag or orange collar and on a leash;

3 (3) a blind, visually impaired, deaf, or hard of hearing pedestrian
4 using a service [dog] ANIMAL in a place, accommodation, or conveyance listed in §
5 7-704(b) of this subtitle; and

6 (4) a service [dog] ANIMAL trainer who is accompanied by [a dog] AN
7 ANIMAL that is being trained as a service [dog and who displays the identification
8 required by subsection (c) of this section] ANIMAL.

9 (b) (1) A mobility impaired individual may be accompanied by a service
10 [dog] ANIMAL specially trained for that purpose in any place where a blind, visually
11 impaired, deaf, or hard of hearing individual has the right to be accompanied by a
12 service [dog] ANIMAL.

13 (2) This subsection does not require a physical modification of any
14 place or vehicle in order to admit a mobility impaired individual who is accompanied
15 by a service [dog] ANIMAL.

16 [(c) A blind, visually impaired, deaf, hard of hearing, or mobility impaired
17 individual who is accompanied by a service dog, or a service dog trainer who is
18 accompanied by a dog that is being trained as a service dog, shall display identification
19 issued by a service dog trainer organization that trains and certifies service dogs for
20 individuals with disabilities.

21 (d) (C) (1) Except as provided in paragraph (2) of this subsection, a
22 service [dog] ANIMAL trainer may be accompanied by [a dog] AN ANIMAL that is
23 being trained as a service [dog] ANIMAL in any place where a blind, visually impaired,
24 deaf, hard of hearing, or mobility impaired individual has the right to be accompanied
25 by a service [dog] ANIMAL.

26 (2) [A dog] AN ANIMAL being trained as a service [dog] ANIMAL and
27 accompanied by a service [dog] ANIMAL trainer may be excluded from a place
28 described in paragraph (1) of this subsection if admitting the [dog] ANIMAL would
29 create a clear danger of a disturbance or physical harm to an individual in the place.

30 [(e) (D) (1) A blind, visually impaired, deaf, hard of hearing, or mobility
31 impaired individual who is accompanied by a service [dog] ANIMAL specially trained
32 for that purpose in a place, accommodation, or conveyance listed in § 7-704(b) of this

1 subtitle may not be required to pay extra compensation for the service [dog] ANIMAL,
2 but the individual may be liable for any damages to the premises or facilities caused
3 by the service [dog] ANIMAL.

4 (2) A service [dog] ANIMAL trainer who is accompanied by [a dog] AN
5 ANIMAL that is being trained as a service [dog] ANIMAL may not be required to pay
6 extra compensation for the [dog] ANIMAL, but the service [dog] ANIMAL trainer
7 organization that certifies the service [dog] ANIMAL may be liable for any personal
8 injuries or damages to the premises or facilities caused by the service [dog] ANIMAL.

9 [(f)] (E) (1) (i) A person may not deny or interfere with the
10 admittance of a service [dog] ANIMAL that accompanies a blind, visually impaired,
11 deaf, hard of hearing, or mobility impaired individual in violation of this section.

12 (ii) A person who violates subparagraph (i) of this paragraph is
13 guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$500]
14 **\$2,500** for each offense.

15 (2) (i) A person may not deny or interfere with the admittance of [a
16 dog] AN ANIMAL being trained as a service [dog] ANIMAL that accompanies a service
17 [dog] ANIMAL trainer.

18 (ii) Subject to subsection [(d)(2)] (C)(2) of this section, a person
19 who violates subparagraph (i) of this paragraph is subject to a fine not exceeding [\$25]
20 **\$500** for each offense.

21 7-707.

22 (a) (1) A person may not deny or interfere with admittance to or
23 enjoyment of a public place, accommodation, or conveyance described in § 7-704 of this
24 subtitle or otherwise interfere with the rights of a blind, visually impaired, deaf, or
25 hard of hearing individual under this subtitle.

26 (2) A person who violates this subsection is guilty of a misdemeanor
27 and on conviction is subject to a fine not exceeding [\$500] **\$2,500** for each offense.

28 (b) In addition to any other remedy provided under the Code for a violation
29 of this subtitle, a person may maintain a civil action for injunctive relief against
30 another person who denies or interferes with admittance to or enjoyment of a public
31 place, accommodation, or conveyance described in § 7-704 of this subtitle or otherwise

1 interferes with the rights of a blind, visually impaired, deaf, or hard of hearing
2 individual under this subtitle.

3 **7-708.**

4 (A) (1) THE SECRETARY OF DISABILITIES SHALL DEVELOP AND
5 IMPLEMENT A COMMUNITY AWARENESS AND TRAINING PROGRAM CONCERNING
6 THE RIGHTS OF INDIVIDUALS WITH DISABILITIES WHO ARE ACCOMPANIED BY
7 SERVICE ANIMALS.

8 (2) THE SECRETARY SHALL DEVELOP THE PROGRAM REQUIRED
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION IN CONSULTATION WITH:

10 (I) SERVICE ANIMAL USERS;

11 (II) ORGANIZATIONS REPRESENTING SERVICE ANIMAL
12 USERS; AND

13 (III) ORGANIZATIONS THAT TRAIN SERVICE ANIMALS.

14 (B) THE PROGRAM ESTABLISHED UNDER THIS SECTION SHALL PROVIDE
15 ANNUAL TRAINING FOR:

16 (1) FIRST RESPONDERS;

17 (2) EMERGENCY SHELTER OPERATORS; AND

18 (3) 9-1-1 OPERATORS.

19 **[7-708.] 7-709.**

20 The Governor shall take suitable public notice of each October 15 as White Cane
21 Safety Day by issuing a proclamation that:

22 (1) comments on the significance of the white cane;

23 (2) calls on the public to observe the White Cane Law under §§ 7-704
24 through 7-707 of this subtitle and to take precautions necessary for the safety of blind
25 and visually impaired individuals;

1 (3) reminds the public of the policies with respect to blind and visually
2 impaired individuals and urges cooperation with the policies;

3 (4) emphasizes the need for awareness of the presence of blind and
4 visually impaired individuals in the community and the need to keep roads, sidewalks,
5 public accommodations, public buildings, public facilities, other public places, and
6 other places to which the public is invited safe and functional for those individuals;
7 and

8 (5) offers assistance to blind and visually impaired individuals on
9 appropriate occasions.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2007.