

HOUSE BILL 505

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By: **Delegates Kullen, Boteler, Bromwell, N. King, Levy, and ~~Montgomery~~
Montgomery, Hammen, Donoghue, Elliott, Hubbard, Kach, Kipke,
McDonough, Mizeur, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk,
Pendergrass, Riley, V. Turner, and Weldon**

Introduced and read first time: February 6, 2007

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

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~~ requiring certain
9 organizations or agencies that require certain individuals to take certain
10 professional training courses to include a segment concerning the rights of
11 individuals with disabilities who are accompanied by service animals; and
12 generally relating to individuals with disabilities and service animals.

13 BY repealing and reenacting, with amendments,

14 Article – Human Services

15 Section 7-701, 7-704, 7-705, 7-707, and 7-708

16 Annotated Code of Maryland

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

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.



1 BY adding to
2 Article – Human Services
3 Section 7–708
4 Annotated Code of Maryland
5 (As enacted by Chapter __ (S.B. 6) of the Acts of the General Assembly of 2007)

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

8 **Article – Human Services**

9 7–701.

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

11 (b) “Blind” means:

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

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

16 (c) “Deaf” means a permanent hearing loss:

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

19 (2) for which amplification devices are ineffective.

20 (d) “Housing accommodations” means real property, or a portion of real
21 property, that is:

22 (1) offered for compensation; and

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

25 (e) “Mobility impaired” means an inability to carry objects or to move or
26 travel without the use of an assistive device or service [dog] ANIMAL.

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

3 (1) blind or visually impaired individuals;

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

5 (3) mobility impaired individuals.

6 7-704.

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

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

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

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

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

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

30 (4) A blind, visually impaired, deaf, or hard of hearing individual who
31 is accompanied by a service [dog] **ANIMAL** may not be required to pay extra

1 compensation for the service [dog] ANIMAL, but the individual may be liable for
2 damages to the premises or facilities that the service [dog] ANIMAL causes.

3 7-705.

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

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

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

11 (3) a blind, visually impaired, deaf, or hard of hearing pedestrian
12 using a service [dog] ANIMAL in a place, accommodation, or conveyance listed in §
13 7-704(b) of this subtitle; and

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

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

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

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

29 (d) (C) (1) Except as provided in paragraph (2) of this subsection, a
30 service [dog] ANIMAL trainer may be accompanied by [a dog] AN ANIMAL that is
31 being trained as a service [dog] ANIMAL in any place where a blind, visually impaired,

1 deaf, hard of hearing, or mobility impaired individual has the right to be accompanied
2 by a service [dog] ANIMAL.

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

7 [(e)] (D) (1) A blind, visually impaired, deaf, hard of hearing, or mobility
8 impaired individual who is accompanied by a service [dog] ANIMAL specially trained
9 for that purpose in a place, accommodation, or conveyance listed in § 7-704(b) of this
10 subtitle may not be required to pay extra compensation for the service [dog] ANIMAL,
11 but the individual may be liable for any damages to the premises or facilities caused
12 by the service [dog] ANIMAL.

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

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

21 (ii) A person who violates subparagraph (i) of this paragraph is
22 guilty of a misdemeanor and on conviction is subject to a fine not exceeding ~~[\$500]~~
23 ~~\$2,500~~ for each offense.

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

27 (ii) Subject to subsection [(d)(2)] (C)(2) of this section, a person
28 who violates subparagraph (i) of this paragraph is subject to a fine not exceeding ~~[\$25]~~
29 ~~\$500~~ for each offense.

30 7-707.

31 (a) (1) A person may not deny or interfere with admittance to or
32 enjoyment of a public place, accommodation, or conveyance described in § 7-704 of this

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

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

5 (b) In addition to any other remedy provided under the Code for a violation
6 of this subtitle, a person may maintain a civil action for injunctive relief against
7 another person who denies or interferes with admittance to or enjoyment of a public
8 place, accommodation, or conveyance described in § 7-704 of this subtitle or otherwise
9 interferes with the rights of a blind, visually impaired, deaf, or hard of hearing
10 individual under this subtitle.

11 **7-708.**

12 ~~(A) (1) THE SECRETARY OF DISABILITIES SHALL DEVELOP AND~~
13 ~~IMPLEMENT A COMMUNITY AWARENESS AND~~ ANY ORGANIZATION OR AGENCY
14 THAT REQUIRES A PROFESSIONAL TRAINING PROGRAM FOR THE FOLLOWING
15 INDIVIDUALS SHALL INCLUDE A SEGMENT CONCERNING THE RIGHTS OF
16 INDIVIDUALS WITH DISABILITIES WHO ARE ACCOMPANIED BY SERVICE
17 ANIMALS.:

18 ~~(2) THE SECRETARY SHALL DEVELOP THE PROGRAM REQUIRED~~
19 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION IN CONSULTATION WITH:~~

20 ~~(I) SERVICE ANIMAL USERS;~~

21 ~~(II) ORGANIZATIONS REPRESENTING SERVICE ANIMAL~~
22 ~~USERS; AND~~

23 ~~(III) ORGANIZATIONS THAT TRAIN SERVICE ANIMALS.~~

24 ~~(B) THE PROGRAM ESTABLISHED UNDER THIS SECTION SHALL PROVIDE~~
25 ~~ANNUAL TRAINING FOR:~~

26 (1) FIRST RESPONDERS;

27 (2) EMERGENCY SHELTER OPERATORS; AND

28 (3) 9-1-1 OPERATORS.

1 [7-708.] **7-709.**

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

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

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

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

10 (4) emphasizes the need for awareness of the presence of blind and
11 visually impaired individuals in the community and the need to keep roads, sidewalks,
12 public accommodations, public buildings, public facilities, other public places, and
13 other places to which the public is invited safe and functional for those individuals;
14 and

15 (5) offers assistance to blind and visually impaired individuals on
16 appropriate occasions.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.