

CHAPTER 241

(House Bill 505)

AN ACT concerning

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

FOR the purpose of expanding certain provisions concerning individuals with certain disabilities to include service animals; repealing certain provisions requiring certain individuals accompanied by service animals to display certain identification; ~~increasing certain fines for certain violations; requiring the Secretary of Disabilities to develop and implement a certain training program for certain individuals in consultation with certain groups~~ requiring certain organizations or agencies that require certain individuals to take certain professional training courses to include a segment concerning the rights of individuals with disabilities who are accompanied by service animals; and generally relating to individuals with disabilities and service animals.

BY repealing and reenacting, with amendments,

Article – Human Services

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

Annotated Code of Maryland

(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to

Article – Human Services

Section 7–708

Annotated Code of Maryland

(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

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

Article – Human Services

7–701.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Blind” means:

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

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

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

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

(2) for which amplification devices are ineffective.

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

(1) offered for compensation; and

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

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

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

(1) blind or visually impaired individuals;

(2) deaf or hard of hearing individuals; or

(3) mobility impaired individuals.

7-704.

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

(b) (1) Blind, visually impaired, deaf, and hard of hearing individuals are entitled to full and equal rights and privileges with respect to common carriers and

other public conveyances or modes of transportation, places of public accommodations, and other places to which the general public is invited, subject only to any conditions and limitations of general application established by law.

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

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

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

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

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

7-705.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7-707.

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

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

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

7-708.

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

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

~~(I) SERVICE ANIMAL USERS;~~

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

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

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

~~(1) FIRST RESPONDERS;~~

~~(2) EMERGENCY SHELTER OPERATORS; AND~~

~~(3) 9-1-1 OPERATORS.~~

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2007.