

HOUSE BILL 767

03

(8lr0976)

ENROLLED BILL

—*Health and Government Operations / Judicial Proceedings*—

Introduced by **Delegates Heller, Kramer, ~~and Manno~~ Manno, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Individuals With Disabilities and Parents of Minors with Disabilities -**
3 **Service Animals**

4 FOR the purpose of altering certain provisions of law establishing certain rights and
5 privileges for individuals with certain disabilities to include all individuals with
6 disabilities and the parents of a minor child with a disability; altering certain
7 provisions of law relating to use of service animals by individuals with certain
8 disabilities to include all individuals with disabilities and the parents of a minor
9 child with a disability; altering certain provisions of law relating to access by
10 service animal trainers to certain places; altering the scope of certain provisions
11 of law; defining certain terms; altering a certain definition; and generally

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.

Italics indicate opposite chamber / conference committee amendments.



1 relating to individuals with disabilities, the parents of a minor child with a
2 disability, and service animals.

3 BY repealing and reenacting, with amendments,
4 Article – Human Services
5 Section 7–701, 7–704, and 7–705
6 Annotated Code of Maryland
7 (2007 Volume)

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

10 **Article – Human Services**

11 7–701.

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

13 (b) “Blind” means:

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

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

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

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

21 (2) for which amplification devices are ineffective.

22 **(D) “DISABILITY” HAS THE MEANING STATED IN THE FEDERAL**
23 **AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**

24 ~~[(d)]~~ **(E)** “Housing accommodations” means real property, or a portion of
25 real property, that is:

26 (1) offered for compensation; and

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

29 ~~[(e)]~~ **(F)** “Mobility impaired” means an inability to carry objects or to move
30 or travel without the use of an assistive device or service animal.

1 (G) “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER
 2 ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE
 3 BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:

4 (1) GUIDING INDIVIDUALS WITH IMPAIRED VISION;

5 (2) ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN
 6 INTRUDER OR SOUNDS;

7 (3) PROVIDING MINIMAL PROTECTION OR RESCUE WORK;

8 (4) PULLING A WHEELCHAIR; ~~OR~~

9 (5) FETCHING DROPPED ITEMS; OR

10 (6) DETECTING THE ONSET OF A SEIZURE.

11 [(f)] (H) “Service animal trainer” means a person who trains service
 12 animals for[:

13 (1) blind or visually impaired individuals;

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

15 (3) mobility impaired] individuals **WITH DISABILITIES.**

16 7-704.

17 (a) [Blind, visually impaired, deaf, and hard of hearing individuals]
 18 **INDIVIDUALS WITH DISABILITIES AND THE PARENTS OF A MINOR CHILD WITH A**
 19 **DISABILITY** have the same right as individuals without [those] disabilities to the full
 20 and free use of the roads, sidewalks, public buildings, public facilities, and other public
 21 places.

22 (b) (1) [Blind, visually impaired, deaf, and hard of hearing individuals]
 23 **INDIVIDUALS WITH DISABILITIES AND THE PARENTS OF A MINOR CHILD WITH A**
 24 **DISABILITY** are entitled to full and equal rights and privileges with respect to
 25 common carriers and other public conveyances or modes of transportation, places of
 26 public accommodations, and other places to which the general public is invited, subject
 27 only to any conditions and limitations of general application established by law.

28 (2) The failure of a blind or visually impaired pedestrian to carry a
 29 cane predominantly white or metallic in color, with or without a red tip, or [a deaf or
 30 hard of hearing pedestrian] **AN INDIVIDUAL WITH A DISABILITY OR ~~THE~~ A PARENT**

1 **OF A MINOR CHILD WITH A DISABILITY** to use a service animal wearing an orange
2 license tag or orange collar and on a leash, or to use a service animal in a place,
3 accommodation, or conveyance listed in paragraph (1) of this subsection does not
4 constitute contributory negligence per se.

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

8 (2) [A blind or visually impaired] **AN individual WITH A DISABILITY**
9 **OR ~~THE~~ A PARENT OF A MINOR CHILD WITH A DISABILITY** is entitled to the same
10 access as other members of the general public to housing accommodations in the State,
11 subject to any conditions and limitations of general application established by law.

12 (3) [A blind, visually impaired, deaf, or hard of hearing] **AN individual**
13 **WITH A DISABILITY OR ~~THE~~ A PARENT OF A MINOR CHILD WITH A DISABILITY**
14 who has, obtains, or may wish to obtain a service animal is entitled to full and equal
15 access to housing accommodations.

16 (4) [A blind, visually impaired, deaf, or hard of hearing] **AN individual**
17 **WITH A DISABILITY OR ~~THE~~ A PARENT OF A MINOR CHILD WITH A DISABILITY**
18 who is accompanied by a service animal may not be required to pay extra
19 compensation for the service animal, but the individual may be liable for damages to
20 the premises or facilities that the service animal causes.

21 7-705.

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

24 (1) a blind or visually impaired pedestrian using a service animal and
25 not carrying a cane predominantly white or metallic in color, with or without a red tip;

26 (2) [a deaf or hard of hearing pedestrian] **AN INDIVIDUAL WITH A**
27 **DISABILITY OR ~~THE~~ AND A PARENT OF A MINOR CHILD WITH A DISABILITY** using
28 a service animal not wearing an orange license tag or orange collar and on a leash;

29 (3) [a blind, visually impaired, deaf, or hard of hearing pedestrian] **AN**
30 **INDIVIDUAL WITH A DISABILITY OR ~~THE~~ AND A PARENT OF A MINOR CHILD WITH**
31 **A DISABILITY** using a service animal in a place, accommodation, or conveyance listed
32 in § 7-704(b) of this subtitle; and

33 (4) a service animal trainer who is accompanied by an animal that is
34 being trained as a service animal.

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

5 (2) This [subsection] SECTION does not require a physical
6 modification of any place or vehicle in order to admit [a mobility impaired] AN
7 individual **WITH A DISABILITY OR ANY OTHER INDIVIDUAL AUTHORIZED UNDER**
8 **THIS SUBTITLE TO USE A SERVICE ANIMAL** who is accompanied by a service animal.

9 (c) (1) Except as provided in paragraph (2) of this subsection, a service
10 animal trainer may be accompanied by an animal that is being trained as a service
11 animal in any place where [a blind, visually impaired, deaf, hard of hearing, or
12 mobility impaired] AN individual **WITH A DISABILITY OR ~~THE~~ A PARENT OF A**
13 **MINOR CHILD WITH A DISABILITY** has the right to be accompanied by a service
14 animal.

15 (2) An animal being trained as a service animal and accompanied by a
16 service animal trainer may be excluded from a place described in paragraph (1) of this
17 subsection if admitting the animal would create a clear danger of a disturbance or
18 physical harm to an individual in the place.

19 (d) (1) [A blind, visually impaired, deaf, hard of hearing, or mobility
20 impaired] AN individual **WITH A DISABILITY OR ~~THE~~ A PARENT OF A MINOR CHILD**
21 **WITH A DISABILITY** who is accompanied by a service animal specially trained for that
22 purpose in a place, accommodation, or conveyance listed in § 7-704(b) of this subtitle
23 may not be required to pay extra compensation for the service animal, but the
24 individual may be liable for any damages to the premises or facilities caused by the
25 service animal.

26 (2) A service animal trainer who is accompanied by an animal that is
27 being trained as a service animal may not be required to pay extra compensation for
28 the animal, but the service animal trainer organization that certifies the service
29 animal may be liable for any personal injuries or damages to the premises or facilities
30 caused by the service animal.

31 (e) (1) (i) A person may not deny or interfere with the admittance of a
32 service animal that accompanies [a blind, visually impaired, deaf, hard of hearing, or
33 mobility impaired] AN individual **WITH A DISABILITY OR ~~THE~~ A PARENT OF A**
34 **MINOR CHILD WITH A DISABILITY** in violation of this section.

35 (ii) A person who violates subparagraph (i) of this paragraph is
36 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for
37 each offense.

1 (2) (i) A person may not deny or interfere with the admittance of
2 an animal being trained as a service animal that accompanies a service animal
3 trainer.

4 (ii) Subject to subsection (c)(2) of this section, a person who
5 violates subparagraph (i) of this paragraph is subject to a fine not exceeding \$25 for
6 each offense.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.