

HOUSE BILL 767

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8lr0976

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**

Introduced and read first time: February 4, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2008

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

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 7–701, 7–704, and 7–705
17 Annotated Code of Maryland
18 (2007 Volume)

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

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 **Article – Human Services**

2 7–701.

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

4 (b) “Blind” means:

5 (1) a visual acuity not exceeding 20/200 in the better eye with
6 corrective lenses; or7 (2) a visual field of which the widest diameter subtends an angle of not
8 more than 20 degrees.

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

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

12 (2) for which amplification devices are ineffective.

13 **(D) “DISABILITY” HAS THE MEANING STATED IN THE FEDERAL**
14 **AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**15 **[(d)] (E)** “Housing accommodations” means real property, or a portion of
16 real property, that is:

17 (1) offered for compensation; and

18 (2) used or occupied, or intended to be used or occupied, as the
19 residence or lodging of at least one individual.20 **[(e)] (F)** “Mobility impaired” means an inability to carry objects or to move
21 or travel without the use of an assistive device or service animal.22 **(G) “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER**
23 **ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE**
24 **BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:**25 **(1) GUIDING INDIVIDUALS WITH IMPAIRED VISION;**26 **(2) ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN**
27 **INTRUDER OR SOUNDS;**28 **(3) PROVIDING MINIMAL PROTECTION OR RESCUE WORK;**29 **(4) PULLING A WHEELCHAIR; ~~OR~~**

1 **(5) FETCHING DROPPED ITEMS; OR**

2 **(6) DETECTING THE ONSET OF A SEIZURE.**

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

5 (1) blind or visually impaired individuals;

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

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

8 7-704.

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

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

20 (2) The failure of a blind or visually impaired pedestrian to carry a
21 cane predominantly white or metallic in color, with or without a red tip, or [a deaf or
22 hard of hearing pedestrian] **AN INDIVIDUAL WITH A DISABILITY OR THE PARENT**
23 **OF A MINOR CHILD WITH A DISABILITY** to use a service animal wearing an orange
24 license tag or orange collar and on a leash, or to use a service animal in a place,
25 accommodation, or conveyance listed in paragraph (1) of this subsection does not
26 constitute contributory negligence per se.

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

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

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

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

10 7–705.

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

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

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

18 (3) [a blind, visually impaired, deaf, or hard of hearing pedestrian] **AN**
19 **INDIVIDUAL WITH A DISABILITY OR THE PARENT OF A MINOR CHILD WITH A**
20 **DISABILITY** using a service animal in a place, accommodation, or conveyance listed in
21 § 7–704(b) of this subtitle; and

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

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

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

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

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

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

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

17 (e) (1) (i) A person may not deny or interfere with the admittance of a
18 service animal that accompanies [a blind, visually impaired, deaf, hard of hearing, or
19 mobility impaired] **AN individual WITH A DISABILITY OR THE PARENT OF A MINOR**
20 **CHILD WITH A DISABILITY** 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 for
23 each offense.

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

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

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