

SENATE BILL 577

03

(8lr1132)

ENROLLED BILL

—Judicial Proceedings/Health and Government Operations—

Introduced by ~~Senator Forehand~~ **Senators Forehand, Brochin, Frosh, Gladden,
Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone**

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.

President.

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 ~~certain~~
9 ~~minor children with disabilities~~ a minor child with a disability; altering certain
10 provisions of law relating to access by service animal trainers to certain places;
11 altering the scope of certain provisions of law; defining certain terms; altering a
12 certain definition; and generally relating to individuals with disabilities, the
13 parents of a minor child with a disability, and service animals.

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

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

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

24 (1) offered for compensation; and

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

27 [(e)] **(F)** “Mobility impaired” means an inability to carry objects or to move
28 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;

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 A PARENT OF A**
 31 **MINOR CHILD WITH A DISABILITY** to use a service animal wearing an orange license

1 tag or orange collar and on a leash, or to use a service animal in a place,
2 accommodation, or conveyance listed in paragraph (1) of this subsection does not
3 constitute contributory negligence per se.

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

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

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

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

20 7-705.

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

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

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

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

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

34 (b) [(1) A mobility impaired individual may be accompanied by a service
35 animal specially trained for that purpose in any place where a blind, visually

1 impaired, deaf, or hard of hearing individual has the right to be accompanied by a
2 service animal.

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.