

SENATE BILL 577

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8lr1132

By: **Senator Forehand**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Disabilities – Service Animals**

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

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

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

19 **Article – Human Services**

20 7–701.

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

22 (b) “Blind” means:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) "Deaf" means a permanent hearing loss:

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

6 (2) for which amplification devices are ineffective.

7 (D) **"DISABILITY" HAS THE MEANING STATED IN THE FEDERAL**
8 **AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**

9 [(d)] (E) "Housing accommodations" means real property, or a portion of
10 real property, that is:

11 (1) offered for compensation; and

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

14 [(e)] (F) "Mobility impaired" means an inability to carry objects or to move
15 or travel without the use of an assistive device or service animal.

16 (G) **"SERVICE ANIMAL" MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER**
17 **ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE**
18 **BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:**

19 (1) **GUIDING INDIVIDUALS WITH IMPAIRED VISION;**

20 (2) **ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN**
21 **INTRUDER OR SOUNDS;**

22 (3) **PROVIDING MINIMAL PROTECTION OR RESCUE WORK;**

23 (4) **PULLING A WHEELCHAIR;**

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

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

26 [(f)] (H) "Service animal trainer" means a person who trains service
27 animals for[:

28 (1) blind or visually impaired individuals;

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

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

3 7-704.

4 (a) [Blind, visually impaired, deaf, and hard of hearing individuals]
5 **INDIVIDUALS WITH DISABILITIES** have the same right as individuals without
6 [those] disabilities to the full and free use of the roads, sidewalks, public buildings,
7 public facilities, and other public places.

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

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

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

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

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

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

35 7-705.

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

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

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

8 (3) [a blind, visually impaired, deaf, or hard of hearing pedestrian] **AN**
9 **INDIVIDUAL WITH A DISABILITY AND A PARENT OF A MINOR CHILD WITH A**
10 **DISABILITY** using a service animal in a place, accommodation, or conveyance listed in
11 § 7-704(b) of this subtitle; and

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

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

18 (2)] This [subsection] **SECTION** does not require a physical
19 modification of any place or vehicle in order to admit [a mobility impaired] **AN**
20 individual **WITH A DISABILITY** who is accompanied by a service animal.

21 (c) (1) Except as provided in paragraph (2) of this subsection, a service
22 animal trainer may be accompanied by an animal that is being trained as a service
23 animal in any place where [a blind, visually impaired, deaf, hard of hearing, or
24 mobility impaired] **AN** individual **WITH A DISABILITY** has the right to be accompanied
25 by a service animal.

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

30 (d) (1) [A blind, visually impaired, deaf, hard of hearing, or mobility
31 impaired] **AN** individual **WITH A DISABILITY** who is accompanied by a service animal
32 specially trained for that purpose in a place, accommodation, or conveyance listed in §
33 7-704(b) of this subtitle may not be required to pay extra compensation for the service
34 animal, but the individual may be liable for any damages to the premises or facilities
35 caused by the service animal.

36 (2) A service animal trainer who is accompanied by an animal that is
37 being trained as a service animal may not be required to pay extra compensation for

1 the animal, but the service animal trainer organization that certifies the service
2 animal may be liable for any personal injuries or damages to the premises or facilities
3 caused by the service animal.

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

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

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

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

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