

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 767

(Delegate Heller, *et al.*)

Health and Government Operations

Judicial Proceedings

---

Individuals With Disabilities and Parents of Minors with Disabilities - Service  
Animals

---

This bill extends the rights and privileges afforded to blind, visually impaired, deaf, and hard of hearing individuals to all individuals with disabilities as defined by federal law, as well as to the parents of a minor child with a disability. Thus, the bill grants to all individuals with disabilities and the parents of a minor child with a disability the same rights of access to public places, accommodations, and conveyances as well as housing accommodations that are currently afforded to blind, visually impaired, deaf, and hard of hearing individuals. In addition, physical modifications of places or vehicles are not required in order to admit individuals who are authorized to use a service animal.

---

Fiscal Summary

**State Effect:** The bill would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

---

Analysis

**Current Law:** Blind, visually impaired, deaf, and hard of hearing individuals have the same rights as individuals without those disabilities to the full and free use of roads, sidewalks, public buildings and facilities, and other public places. These individuals are entitled to full and equal rights and privileges with respect to public conveyances, public

accommodations, and other places to which the general public is invited, subject only to any generally applied conditions and limitations established by law.

The failure of a blind or visually impaired pedestrian to carry a cane, or a deaf or hard of hearing person to use a service animal in a place, accommodation, or conveyance is not contributory negligence *per se*. Unless the accommodation or single-family residence only offers one room for compensation, then 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 generally applied conditions or limitations. A blind, visually impaired, deaf, or hard of hearing individual who has or wishes to obtain a service animal is entitled to full and equal access to housing accommodations and may not be required to pay extra compensation for the service animal. However, the individual may be held liable for damages to the premises or facilities that the service animal causes.

A blind or visually impaired pedestrian using a service animal and not carrying a cane; a deaf or hard of hearing pedestrian using a service animal that is not wearing an orange collar or tag and is not on a leash; and a blind, visually impaired, deaf, or hard of hearing pedestrian using a service animal in a public place, accommodation, or conveyance has the same rights as those conferred on other individuals. These rights also apply to a service animal trainer who is accompanied by an animal that is being trained as a service animal and displays required identification. A mobility impaired individual accompanied by a service animal especially trained for that purpose has the right to be accompanied by the service animal in any place where a blind, visually impaired, deaf, or hard of hearing individual has that same right.

A blind, visually impaired, deaf, hard of hearing, or mobility impaired individual who is accompanied by a service animal, or a service animal trainer with an animal undergoing training, must display identification issued by a service animal trainer organization. An animal being trained as a service animal may be excluded from a place where the animal would create a clear danger of disturbance or physical harm to an individual, but otherwise the service animal trainer may be accompanied by an animal that is being trained 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 animal.

A blind, visually impaired, deaf, hard of hearing, or mobility impaired individual who is accompanied by a service animal, especially trained for that purpose in a place, accommodation, or conveyance may not be required to pay extra compensation for the service animal, but may be liable for any damages to premises or facilities caused by the service animal. A service animal trainer who is accompanied by an animal undergoing

training may not be required to pay extra compensation for the animal, but may be liable for any personal injuries or damages to premises or facilities caused by the animal.

A person who denies or interferes with the admittance of a service animal that accompanies a blind, visually impaired, deaf, hard of hearing, or mobility impaired individual is guilty of a misdemeanor and is subject to a maximum fine of \$500 for each offense. A person who denies or interferes with the admittance of an animal being trained as a service animal that accompanies a service animal trainer is subject to a maximum fine of \$25.

A person who denies or interferes with the admittance to or enjoyment of a public place, accommodation, or conveyance or otherwise interferes with the rights of a blind, visually impaired, deaf, or hard of hearing individual is guilty of a misdemeanor and is subject to a maximum fine of \$500 for each offense. A person may maintain a civil action for injunctive relief against a person who denies or interferes with the rights of blind, visually impaired, deaf or hard of hearing persons to enjoy public places, accommodations, or conveyances.

**Background:** An individual is considered to be disabled under the federal Americans with Disabilities Act if he or she has a physical or mental impairment that substantially limits one or more of his or her major life activities.

Nationwide, about 15% of the population age five and older were considered disabled in 2006. In Maryland, there were more than 659,000 disabled individuals age five and older that same year – approximately 12.8% of the population.

The current law granting rights and privileges to individuals with specified disabilities excludes individuals with mental impairments, such as epilepsy.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Disabilities, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2008  
mll/ljm Revised - House Third Reader - March 21, 2008

---

Analysis by: Sarah K. Harvey

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510