

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 804

(Senator Brinkley, *et al.*)

Judicial Proceedings

Health and Government Operations

Human Services - Service Animal Trainers - Nondiscrimination

This bill alters the definition of “service animal trainer” in provisions of law relating to the rights and privileges for individuals with disabilities by including an individual who raises service animals and specifying that the trainer may be a professional or a volunteer. The bill establishes that service animal trainers who are accompanied by an animal being trained or raised as a service animal have the same rights to housing accommodations as individuals with disabilities and the parents of a minor child with a disability who use service animals. The bill specifies that service animal trainers who are accompanied by an animal being trained or raised as a service animal have the same rights as individuals without a disability to the full and free use of roads, sidewalks, and other public places. The bill also specifies that service animal trainers who are accompanied by an animal being trained or raised as a service animal are entitled to full and equal rights and privileges with respect to common carriers and other public conveyances, places of public accommodation, and other places to which the general public is invited.

Fiscal Summary

State Effect: None. Ensuring compliance with the bill’s provisions can be accomplished with existing resources.

Local Effect: None. Ensuring compliance with the bill’s provisions can be accomplished with existing resources.

Small Business Effect: Potential minimal.

Analysis

Current Law: Individuals with disabilities and the parents of a minor child with a disability have the same rights as individuals without 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 transportation conveyances, public accommodations, and other places to which the general public is invited, subject only to the generally applied conditions and limitations established by law.

Unless the accommodation or single-family residence only offers one room for compensation, then an individual with a disability or a parent of a minor child with a disability 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. An individual with a disability or a parent of a minor child with a disability 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 service animal trainer who is accompanied by an animal that is being trained as a service animal has the same rights as those conferred on individuals without a disability. 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 an individual with a disability or a parent of a minor child with a disability has the right to be accompanied by a service animal.

A service animal trainer who is accompanied by an animal undergoing training in a place, accommodation, or conveyance 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Disabilities, Maryland Commission on Civil Rights, Department of Legislative Services

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mlm/kdm

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