

Chapter 248

(Senate Bill 455)

AN ACT concerning

Health – Maryland Children’s Service Animal Program – Establishment

FOR the purpose of establishing the Maryland Children’s Service Animal Program in the Maryland Department of Health; specifying the purposes of the Program; requiring the Department to select at least one nonprofit entity to implement a certain training protocol, select certain Program participants, certain dogs, or therapy horses, facilitate certain training or therapy, and partner certain participants with certain dogs except under certain circumstances; establishing certain criteria that a nonprofit entity must meet to be eligible for selection under the Program; authorizing a nonprofit training entity, under certain circumstances, to disqualify a Program participant from participating in the Program; authorizing a Program participant to discontinue involvement in the Program for any reason; establishing the Maryland Children’s Service Animal Program Fund as a special, nonlapsing fund; requiring the Department to use certain revenue from the Fund to pay a nonprofit training entity; requiring the Secretary of Health to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Department to adopt certain regulations; defining certain terms; requiring the Department, on or before a certain date, to report certain information to the General Assembly; and generally relating to the Maryland Children’s Service Animal Program.

BY adding to

Article – Health – General

Section 13–4101 through 13–4106 to be under the new subtitle “Subtitle 41. Maryland Children’s Service Animal Program”

Annotated Code of Maryland

(2019 Replacement Volume)

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

Article – Health – General**SUBTITLE 41. MARYLAND CHILDREN’S SERVICE ANIMAL PROGRAM.****13–4101.**

(A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ELIGIBLE CHILD” MEANS A CHILD WHO HAS A HISTORY OF TRAUMA ~~OR,~~ HAS BEEN DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER, OR HAS BEEN DIAGNOSED WITH A DEVELOPMENTAL DISABILITY AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT.

(C) “FUND” MEANS THE MARYLAND CHILDREN’S SERVICE ANIMAL PROGRAM FUND ESTABLISHED UNDER § 13-4105 OF THIS SUBTITLE.

(D) “NONPROFIT TRAINING ENTITY” MEANS A CORPORATION, A FOUNDATION, OR ANY OTHER LEGAL ENTITY THAT:

(1) IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(2) (I) ENGAGES IN THE TRAINING OF SERVICE DOGS OR SUPPORT DOGS FOR USE BY CHILDREN; OR

(II) USES TRAINED THERAPY HORSES FOR INTERACTION WITH CHILDREN; AND

(3) HAS BEEN SELECTED BY THE DEPARTMENT TO PROVIDE SERVICES UNDER THIS SUBTITLE.

(E) “PROGRAM” MEANS THE MARYLAND CHILDREN’S SERVICE ANIMAL PROGRAM ESTABLISHED UNDER § 13-4102 OF THIS SUBTITLE.

(F) “PROGRAM PARTICIPANT” MEANS AN ELIGIBLE CHILD WHO PARTICIPATES IN THE PROGRAM.

(G) “SUCCESSFUL PROGRAM PARTICIPANT” MEANS A PROGRAM PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING OR THERAPY PROTOCOL SPECIFIED BY A NONPROFIT TRAINING ENTITY.

13-4102.

(A) THERE IS A MARYLAND CHILDREN’S SERVICE ANIMAL PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSES OF THE PROGRAM ARE TO:

(1) REFER ELIGIBLE CHILDREN WHO MAY BENEFIT FROM PARTICIPATION IN THE PROGRAM TO ONE OR MORE NONPROFIT TRAINING ENTITIES;

(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST CHILDREN PARTICIPATING IN THE PROGRAM; AND

(3) EXPAND TREATMENT OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER OR WITH A DEVELOPMENTAL DISABILITY AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT.

13-4103.

(A) THE DEPARTMENT SHALL SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:

(1) IMPLEMENT A TRAINING OR THERAPY PROTOCOL FOR THE PURPOSES OF THE PROGRAM THAT WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND TECHNIQUES FOR:

(i) PARTNERING WITH A SERVICE DOG OR SUPPORT DOG; OR

(ii) INTERACTING WITH THERAPY HORSES;

(2) SELECT QUALIFIED PROGRAM PARTICIPANTS FROM THOSE ELIGIBLE CHILDREN REFERRED TO THE NONPROFIT ENTITY UNDER THE PROGRAM;

(3) SELECT AN APPROPRIATE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE, AS APPLICABLE, FOR EACH PROGRAM PARTICIPANT;

(4) FACILITATE EACH PROGRAM PARTICIPANT'S TRAINING OR THERAPY USING THE NONPROFIT TRAINING ENTITY'S TRAINING OR THERAPY PROTOCOL; AND

(5) UNLESS THE NONPROFIT TRAINING ENTITY USES TRAINED THERAPY HORSES, PARTNER EACH SUCCESSFUL PROGRAM PARTICIPANT WITH THE SERVICE DOG OR SUPPORT DOG ON THE PROGRAM PARTICIPANT'S SUCCESSFUL COMPLETION OF THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL.

(B) TO BE ELIGIBLE FOR SELECTION UNDER SUBSECTION (A) OF THIS SECTION, A NONPROFIT ENTITY MUST:

(1) BE BASED IN THE STATE;

(2) SERVE THE NEEDS OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER OR WITH A DEVELOPMENTAL DISABILITY AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT; AND

(3) GENERATE ITS OWN REVENUE AND REINVEST THE PROCEEDS OF THAT REVENUE IN THE GROWTH AND DEVELOPMENT OF ITS PROGRAMS.

13-4104.

(A) A NONPROFIT TRAINING ENTITY MAY DISQUALIFY A PROGRAM PARTICIPANT FROM PARTICIPATION IN THE PROGRAM IF THE NONPROFIT TRAINING ENTITY DETERMINES THAT THE PROGRAM PARTICIPANT'S INVOLVEMENT IN THE PROGRAM:

(1) PRESENTS A DANGER TO THE PROGRAM PARTICIPANT'S MENTAL OR PHYSICAL WELL-BEING;

(2) ~~HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO OTHERS, AN ANIMAL, OR PROPERTY~~ IS A DIRECT THREAT TO THE HEALTH AND SAFETY OF OTHERS;

(3) PRESENTS A ~~DANGER~~ DIRECT THREAT TO THE MENTAL OR PHYSICAL WELL-BEING OF THE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE; OR

(4) DOES NOT MEET THE TRAINING REQUIREMENTS OF THE NONPROFIT TRAINING ENTITY.

(B) A PROGRAM PARTICIPANT MAY DISCONTINUE INVOLVEMENT IN THE PROGRAM FOR ANY REASON.

13-4105.

(A) THERE IS A MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM FUND.

(B) THE DEPARTMENT SHALL USE REVENUE FROM THE FUND TO PAY A NONPROFIT TRAINING ENTITY.

(C) REVENUE FROM THE FUND MAY BE USED ONLY TO PAY:

(1) A NONPROFIT TRAINING ENTITY; AND

(2) ADMINISTRATIVE COSTS OF THE PROGRAM.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE COLLECTED BY THE DEPARTMENT IN THE FORM OF DONATIONS TO THE PROGRAM;

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND**

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(H) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

13-4106.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, the following information regarding the Maryland Children's Service Animal Program established under § 13-4102 of the Health – General Article, as enacted by Section 1 of this Act:

(1) the number of Program participants involved in the Program;

(2) the nonprofit training entity or entities selected by the Department for involvement in the Program;

(3) an accounting of the money deposited into and redeemed out of the Maryland Children’s Service Animal Program Fund established under § 13–4105 of the Health – General Article, as enacted by Section 1 of this Act; and

(4) any other information related to the Maryland Children’s Service Animal Program that the Department considers relevant.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.