

SENATE BILL 157

O3, P1

(5lr0612)

ENROLLED BILL

— *Finance/Health and Government Operations* —

Introduced by **Senators Simonaire, Carozza, and Guzzone**

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 **Maryland Disability Service Animal Program – Established**

3 FOR the purpose of establishing the Maryland Disability Service Animal Program in the
4 Department of Disabilities; requiring the Department to select a nonprofit training
5 entity for participation in the Program; establishing the Maryland Disability Service
6 Animal Program Fund as a special, nonlapsing fund; and generally relating to the
7 Maryland Disability Service Animal Program.

8 BY repealing and reenacting, with amendments,
9 Article – Human Services
10 Section 7–114
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2024 Supplement)

13 BY adding to

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.



Article – Human Services

Section 7–1201 through 7–1206 to be under the new subtitle “Subtitle 12. Maryland Disability Service Animal Program”

Annotated Code of Maryland

(2019 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Human Services

7–114.

(a) (1) The Department is the principal unit of State government responsible for developing, maintaining, revising, and enforcing statewide disability policies and standards throughout the units of State government.

(2) In this capacity, the Department shall:

(i) serve as the principal advisor to the Governor on the means and methods available to:

1. implement and fund support to individuals with disabilities in accordance with the State Disabilities Plan;

2. modify or consolidate support to individuals with disabilities; and

3. collaborate with federal, regional, and local units of government to enhance the effectiveness of the provision and funding of support to individuals with disabilities;

(ii) annually recommend projects to the Department of Budget and Management for inclusion in the capital budget to promote access to State-owned facilities for individuals with disabilities;

(iii) assist units of State government to identify federal, State, local, and private funds available to the State for programs and services for individuals with disabilities; and

(iv) provide technical assistance to local jurisdictions in planning and implementing collaborative strategies consistent with the State Disabilities Plan.

(b) The Department shall oversee and administer the following programs and units:

(1) constituent services and ombudsmen programs;

(2) the Assistive Technology Guaranteed Loan Program under Subtitle 6 of this title;

(3) the Office of Personal Assistance Services, including the Attendant Care Program under Subtitle 4 of this title;

(4) Telecommunications Access of Maryland under Subtitle 8 of this title; [and]

(5) Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals under Subtitle 9 of this title; AND

(6) THE MARYLAND DISABILITY SERVICE ANIMAL PROGRAM UNDER SUBTITLE 12 OF THIS TITLE.

SUBTITLE 12. MARYLAND DISABILITY SERVICE ANIMAL PROGRAM.

7-1201.

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

(B) “DEPARTMENT” MEANS THE DEPARTMENT OF DISABILITIES.

(C) “ELIGIBLE INDIVIDUAL” MEANS ~~AN INDIVIDUAL~~ A RESIDENT OF THE STATE WITH A DISABILITY, AS DEFINED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.

(D) “FUND” MEANS THE MARYLAND DISABILITY SERVICE ANIMAL PROGRAM FUND.

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

(1) IS TAX-EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(2) ENGAGES IN THE TRAINING OF SERVICE ANIMALS FOR USE BY ELIGIBLE INDIVIDUALS; AND

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

(F) "PROGRAM" MEANS THE MARYLAND DISABILITY SERVICE ANIMAL PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

(G) "PROGRAM PARTICIPANT" MEANS AN ELIGIBLE INDIVIDUAL WHO PARTICIPATES IN THE PROGRAM.

(H) (1) "SERVICE ANIMAL" MEANS AN ANIMAL THAT IS INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL WITH A DISABILITY.

(2) "SERVICE ANIMAL" DOES NOT INCLUDE AN ANIMAL THAT:

(I) AS A RESULT OF THE ANIMAL'S PRESENCE, IS MEANT TO DETER CRIME; OR

(II) PROVIDES ONLY EMOTIONAL SUPPORT, WELL-BEING, COMFORT, OR COMPANIONSHIP TO AN INDIVIDUAL.

(I) "SUCCESSFUL PROGRAM PARTICIPANT" MEANS A PROGRAM PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING PROTOCOL SPECIFIED BY A NONPROFIT TRAINING ENTITY.

7-1202.

THERE IS A MARYLAND DISABILITY SERVICE ANIMAL PROGRAM IN THE DEPARTMENT.

7-1203.

THE PURPOSES OF THE PROGRAM ARE TO:

(1) ~~REFER ELIGIBLE INDIVIDUALS WHO INQUIRE ABOUT PARTICIPATION IN THE PROGRAM TO~~ SELECT ONE OR MORE NONPROFIT TRAINING ENTITIES TO PARTICIPATE IN THE PROGRAM; AND

(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST ELIGIBLE INDIVIDUALS IN THE PROGRAM; ~~AND~~

~~(3) ENCOURAGE SUCCESSFUL PROGRAM PARTICIPANTS TO ASSIST IN OUTREACH AND REFERRALS TO OTHER ELIGIBLE INDIVIDUALS WHO COULD BENEFIT FROM PARTICIPATION IN THE PROGRAM.~~

7-1204.

1 **THE DEPARTMENT SHALL:**

2 **(1) ~~MANAGE, SUPERVISE, AND~~ ADMINISTER THE PROGRAM;**

3 **(2) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM ~~AND TO~~**
4 **~~ENSURE THAT FUND RESOURCES ARE UTILIZED TO CARRY OUT THE PURPOSES OF~~**
5 **~~THE PROGRAM~~, INCLUDING REGULATIONS ESTABLISHING PROCEDURES FOR THE**
6 **DEPARTMENT TO:**

7 **(I) ~~PROMOTE THE PROGRAM TO ELIGIBLE INDIVIDUALS~~**
8 **~~THROUGH THE DEPARTMENT'S OUTREACH METHODS;~~**

9 **(~~II~~) ~~REFER ELIGIBLE INDIVIDUALS TO SELECTED NONPROFIT~~**
10 **~~TRAINING ENTITIES;~~**

11 **(~~III~~) RECEIVE DONATIONS FOR THE FUND; AND**

12 **(~~IV~~) (II) USE REVENUE FROM THE FUND TO PAY SELECTED**
13 **NONPROFIT TRAINING ENTITIES FOR SERVICES THAT ARE PROVIDED THROUGH THE**
14 **PROGRAM; AND**

15 **(3) SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:**

16 **(I) DEVELOP AND IMPLEMENT A TRAINING PROTOCOL THAT**
17 **WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND**
18 **TECHNIQUES FOR PARTNERING WITH SERVICE ANIMALS;**

19 **(II) SELECT QUALIFIED PROGRAM PARTICIPANTS ~~FROM THOSE~~**
20 **~~ELIGIBLE INDIVIDUALS REFERRED TO THE NONPROFIT TRAINING ENTITY UNDER~~**
21 **~~THE PROGRAM;~~**

22 **(III) SELECT AN APPROPRIATE SERVICE ANIMAL FOR EACH**
23 **PROGRAM PARTICIPANT;**

24 **(IV) FACILITATE EACH PROGRAM PARTICIPANT'S TRAINING**
25 **USING THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL; AND**

26 **(V) PARTNER EACH SUCCESSFUL PROGRAM PARTICIPANT WITH**
27 **THE SERVICE ANIMAL ON THE PROGRAM PARTICIPANT'S SUCCESSFUL COMPLETION**
28 **OF THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL.**

29 **7-1205.**

(A) TO BE ELIGIBLE FOR SELECTION AS A NONPROFIT TRAINING ENTITY UNDER § 7-1204 OF THIS SUBTITLE, A NONPROFIT TRAINING ENTITY SHALL:

(1) SERVE THE NEEDS OF ELIGIBLE INDIVIDUALS IN THE STATE; AND

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

(B) 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) PRESENTS A DIRECT THREAT TO OTHERS, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT;

(3) PRESENTS A DIRECT THREAT TO THE SERVICE ANIMAL'S MENTAL OR PHYSICAL WELL-BEING; OR

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

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

7-1206.

(A) THERE IS A MARYLAND DISABILITY SERVICE ANIMAL PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO:

(1) PAY A NONPROFIT TRAINING ENTITY; AND

(2) COVER THE COSTS OF ADMINISTERING THE PROGRAM.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (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, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) (1) THE FUND CONSISTS OF:

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

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

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

(2) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$25,000 TO THE FUND.

~~(2)~~ (3) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

~~(3)~~ (4) 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.

(F) THE FUND MAY BE USED ONLY TO PAY:

(1) A NONPROFIT TRAINING ENTITY; AND

(2) ADMINISTRATIVE COSTS OF THE PROGRAM.

(G) (1) THE STATE TREASURER SHALL INVEST AND REINVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(H) FOR THE PURPOSE OF IMPLEMENTING THIS SECTION, THE DEPARTMENT MAY ACCEPT GIFTS OR GRANTS FOR DONATION TO THE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect October 1, 2025.~~

(a) This Act is contingent on the Department of Disabilities certifying that the Department has sufficient staff to administer the Maryland Disability Service Animal

Program under Title 7, Subtitle 12 of the Human Services Article, as enacted by Section 1 of this Act.

(b) On or before October 1, 2026, the Department of Disabilities shall notify the Department of Legislative Services whether the Department has certified that the Department has sufficient staff to administer the Maryland Disability Service Animal Program.

(c) (1) If the Department of Legislative Services receives notification that the Department of Disabilities has sufficient staff to administer the Maryland Disability Service Animal Program on or before October 1, 2026, this Act shall take effect on the date the notice is received by the Department of Legislative Services in accordance with subsection (b) of this section.

(2) If the Department of Legislative Services receives notice that the Department of Disabilities lacks sufficient staff to administer the Maryland Disability Service Animal Program on or before October 1, 2026, this Act, with no further action required by the General Assembly, shall be null and void.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.