

SENATE BILL 577

03

8lr1132

By: ~~Senator Forehand~~ **Senators Forehand, Brochin, Frosh, Gladden, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2008

CHAPTER _____

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.

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.



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

2 (b) “Blind” means:

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

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

7 (c) “Deaf” means a permanent hearing loss:

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

10 (2) for which amplification devices are ineffective.

11 (D) **“DISABILITY” HAS THE MEANING STATED IN THE FEDERAL**
12 **AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**

13 [(d)] (E) “Housing accommodations” means real property, or a portion of
14 real property, that is:

15 (1) offered for compensation; and

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

18 [(e)] (F) “Mobility impaired” means an inability to carry objects or to move
19 or travel without the use of an assistive device or service animal.

20 (G) **“SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER**
21 **ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE**
22 **BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:**

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

24 (2) **ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN**
25 **INTRUDER OR SOUNDS;**

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

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

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

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

2 **[(f) (H)** “Service animal trainer” means a person who trains service
3 animals for[:

4 (1) blind or visually impaired individuals;

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

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

7 7-704.

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

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

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

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

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

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

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

6 7-705.

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

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

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

14 (3) [a blind, visually impaired, deaf, or hard of hearing pedestrian] **AN**
15 **INDIVIDUAL WITH A DISABILITY AND A PARENT OF A MINOR CHILD WITH A**
16 **DISABILITY** using a service animal in a place, accommodation, or conveyance listed in
17 § 7-704(b) of this subtitle; and

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

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

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

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

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

1 (d) (1) [A blind, visually impaired, deaf, hard of hearing, or mobility
2 impaired] **AN individual WITH A DISABILITY** who is accompanied by a service animal
3 specially trained for that purpose in a place, accommodation, or conveyance listed in §
4 7-704(b) of this subtitle may not be required to pay extra compensation for the service
5 animal, but the individual may be liable for any damages to the premises or facilities
6 caused by the service animal.

7 (2) A service animal trainer who is accompanied by an animal that is
8 being trained as a service animal may not be required to pay extra compensation for
9 the animal, but the service animal trainer organization that certifies the service
10 animal may be liable for any personal injuries or damages to the premises or facilities
11 caused by the service animal.

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.