

# SENATE BILL 796

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By: **Senators Simonaire, King, Elfreth, and Carozza**

Introduced and read first time: February 1, 2024

Assigned to: Finance

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## A BILL ENTITLED

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 2023 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Human Services

15 Section 7–401(a) and (d)

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2023 Supplement)

18 BY adding to

19 Article – Human Services

20 Section 7–1101 through 7–1106 to be under the new subtitle “Subtitle 11. Maryland  
21 Disability Service Animal Program”

22 Annotated Code of Maryland

23 (2019 Replacement Volume and 2023 Supplement)

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

26 **Article – Human Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-114.

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

5 (2) In this capacity, the Department shall:

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

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

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

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

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

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

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

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

25 (1) constituent services and ombudsmen programs;

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

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

30 (4) Telecommunications Access of Maryland under Subtitle 8 of this title;

31 [and]

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

3 (6) THE MARYLAND DISABILITY SERVICE ANIMAL PROGRAM UNDER  
4 SUBTITLE 11 OF THIS TITLE.

5 7-401.

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

7 (d) "Eligible individual" means an individual who:

8 (1) is at least 18 years old and under the age of 65 years at the time of the  
9 initial eligibility determination; and

10 (2) has a severe chronic or permanent physical disability that precludes or  
11 significantly impairs the individual's independent performance of essential activities of  
12 daily living, self-care, or mobility.

13 SUBTITLE 11. MARYLAND DISABILITY SERVICE ANIMAL PROGRAM.

14 7-1101.

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

17 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.

18 (C) "ELIGIBLE INDIVIDUAL" HAS THE MEANING STATED IN § 7-401 OF THIS  
19 TITLE.

20 (D) "FUND" MEANS THE MARYLAND DISABILITY SERVICE ANIMAL  
21 PROGRAM FUND.

22 (E) "NONPROFIT TRAINING ENTITY" MEANS A CORPORATION, A  
23 FOUNDATION, OR ANY OTHER LEGAL ENTITY THAT:

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

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

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

1           **(F) “PROGRAM” MEANS THE MARYLAND DISABILITY SERVICE ANIMAL**  
2 **PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

3           **(G) “PROGRAM PARTICIPANT” MEANS AN ELIGIBLE INDIVIDUAL WHO**  
4 **PARTICIPATES IN THE PROGRAM.**

5           **(H) (1) “SERVICE ANIMAL” MEANS AN ANIMAL THAT IS INDIVIDUALLY**  
6 **TRAINED TO DO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL**  
7 **WITH A DISABILITY.**

8                   **(2) “SERVICE ANIMAL” DOES NOT INCLUDE AN ANIMAL THAT:**

9                           **(I) AS A RESULT OF THE ANIMAL’S PRESENCE, IS MEANT TO**  
10 **DETER CRIME; OR**

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

13           **(I) “SUCCESSFUL PROGRAM PARTICIPANT” MEANS A PROGRAM**  
14 **PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING PROTOCOL**  
15 **SPECIFIED BY A NONPROFIT TRAINING ENTITY.**

16 **7-1102.**

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

19 **7-1103.**

20           **THE PURPOSES OF THE PROGRAM ARE TO:**

21                   **(1) REFER ELIGIBLE INDIVIDUALS WHO INQUIRE ABOUT**  
22 **PARTICIPATION IN THE PROGRAM TO ONE OR MORE NONPROFIT TRAINING**  
23 **ENTITIES;**

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

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

1 7-1104.

2 THE DEPARTMENT SHALL:

3 (1) MANAGE, SUPERVISE, AND ADMINISTER THE PROGRAM;

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

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

10 (II) REFER ELIGIBLE INDIVIDUALS TO SELECTED NONPROFIT  
11 TRAINING ENTITIES;

12 (III) RECEIVE DONATIONS FOR THE FUND; AND

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

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

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

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

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

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

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

1 **7-1105.**

2 (A) TO BE ELIGIBLE FOR SELECTION AS A NONPROFIT TRAINING ENTITY  
3 UNDER § 7-1104 OF THIS SUBTITLE, A NONPROFIT TRAINING ENTITY SHALL:

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

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

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

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

13 (2) HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO OTHERS, AN  
14 ANIMAL, OR PROPERTY;

15 (3) PRESENTS A DANGER TO THE SERVICE ANIMAL'S MENTAL OR  
16 PHYSICAL WELL-BEING; OR

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

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

21 **7-1106.**

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

23 (B) THE PURPOSE OF THE FUND IS TO:

24 (1) PAY A NONPROFIT TRAINING ENTITY; AND

25 (2) COVER THE COSTS OF ADMINISTERING THE PROGRAM.

26 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

27 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT

1 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

4 (E) (1) THE FUND CONSISTS OF:

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

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

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

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

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

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

17 (1) A NONPROFIT TRAINING ENTITY; AND

18 (2) ADMINISTRATIVE COSTS OF THE PROGRAM.

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2024.