

SENATE BILL 441

O1, P1

7lr1016
CF 7lr1316

By: Senators Simonaire, Bates, Kagan, Salling, Waugh, Young, ~~and Zucker~~ Zucker, Conway, Nathan-Pulliam, Pinsky, ~~and Robinson~~ Robinson, Astle, Benson, Brochin, Cassilly, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Guzzone, Hershey, Hough, Jennings, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Miller, Muse, Norman, Oaks, Peters, Ramirez, Ready, Reilly, Rosapepe, Serafini, Smith, and Zirkin

Introduced and read first time: January 30, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 8, 2017

CHAPTER _____

1 AN ACT concerning

2 **Veterans Affairs – Maryland Veterans Service Animal Program – Establishment**

3 FOR the purpose of establishing the Maryland Veterans Service Animal Program in the
4 Department of Veterans Affairs; specifying the purposes of the Program; requiring
5 the Department to select certain nonprofit entities to implement a certain training
6 protocol, select certain Program participants, and provide certain training and
7 services to certain veterans; establishing certain criteria that a nonprofit entity must
8 meet to be eligible for selection under the Program; authorizing, under certain
9 circumstances, a nonprofit training entity to disqualify a Program participant from
10 participating in the Program; authorizing a Program participant to discontinue
11 involvement in the Program for any reason; establishing the Maryland Veterans
12 Service Animal Program Fund; specifying the sources of revenue and uses for the
13 Fund; authorizing the Department to accept donations for the Fund; requiring the
14 Department to publish the names of certain donors to the Fund on an annual basis;
15 requiring the Department to adopt certain regulations; defining certain terms;
16 requiring the Department, on or before a certain date, to report certain information
17 to the General Assembly; and generally relating to the Maryland Veterans Service
18 Animal Program.

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.



BY adding to

Article – State Government

Section 9–957 to be under the new part “Part VIII. Maryland Veterans Service
Animal Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – State Government

9–955. RESERVED.

9–956. RESERVED.

PART VIII. MARYLAND VETERANS SERVICE ANIMAL PROGRAM.

9–957.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “ELIGIBLE VETERAN” MEANS AN INDIVIDUAL WHO:

(I) SERVED ON ACTIVE DUTY IN:

1. THE ARMED FORCES OF THE UNITED STATES, ~~OTHER~~
~~THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS~~
~~OTHER THAN DISHONORABLE;~~

2. THE NATIONAL GUARD; OR

3. A RESERVE COMPONENT OF THE ARMED FORCES OF
THE UNITED STATES;

(II) SERVED IN A CAPACITY OTHER THAN FOR TRAINING;

(III) WAS DISCHARGED OR RELEASED UNDER CONDITIONS
OTHER THAN DISHONORABLE; AND

~~(H)~~ (IV) 1. IS A RESIDENT OF THE STATE; OR

2. RECEIVES TREATMENT OR CARE FROM A VETERANS’
ADMINISTRATION HOSPITAL IN THE STATE.

(3) "FUND" MEANS THE MARYLAND VETERANS SERVICE ANIMAL PROGRAM FUND ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION.

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

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

(II) ENGAGES IN THE TRAINING OF SERVICE DOGS OR SUPPORT DOGS FOR USE BY VETERANS; AND

(III) HAS BEEN SELECTED BY THE DEPARTMENT TO PROVIDE SERVICES UNDER THIS SECTION.

(5) "PROGRAM" MEANS THE MARYLAND VETERANS SERVICE ANIMAL PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(6) "PROGRAM PARTICIPANT" MEANS AN ELIGIBLE VETERAN WHO PARTICIPATES IN THE PROGRAM.

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

(B) THERE IS A MARYLAND VETERANS SERVICE ANIMAL PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSES OF THE PROGRAM ARE TO:

(1) ~~IDENTIFY~~ REFER ELIGIBLE VETERANS WHO ~~MAY PARTICIPATE INQUIRE ABOUT PARTICIPATION IN THE PROGRAM AND BE PAIRED WITH SERVICE DOGS OR SUPPORT DOGS THAT HAVE BEEN IDENTIFIED BY A NONPROFIT TRAINING ENTITY IN CONJUNCTION WITH THE PROGRAM PARTICIPANTS~~ TO ONE OR MORE NONPROFIT TRAINING ENTITIES;

(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST ~~IN~~ VETERANS PARTICIPATING IN THE PROGRAM;

(3) ENCOURAGE SUCCESSFUL PROGRAM PARTICIPANTS TO ASSIST IN OUTREACH AND ~~IDENTIFICATION~~ REFERRAL OF OTHER ELIGIBLE VETERANS WHO COULD BENEFIT FROM PARTICIPATION IN THE PROGRAM; AND

(4) ~~EXPAND THE PROGRAM BY IDENTIFYING~~ IDENTIFY POTENTIAL CAPITAL PROJECTS AND SERVICES TO FACILITATE MORE SERVICES FOR VETERANS IN THE STATE.

(D) (1) THE DEPARTMENT SHALL SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:

(I) IMPLEMENT A TRAINING PROTOCOL FOR THE PURPOSES OF THE PROGRAM THAT WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND TECHNIQUES FOR PARTNERING WITH SERVICE DOGS OR SUPPORT DOGS;

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

(III) SELECT AN APPROPRIATE SERVICE DOG OR SUPPORT DOG FOR EACH PROGRAM PARTICIPANT;

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

(V) 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; AND.

~~(VI) ASSIST SUCCESSFUL PROGRAM PARTICIPANTS WITH LEARNING AND APPLYING METHODOLOGIES, STRATEGIES, AND TECHNIQUES FOR PARTNERING WITH SERVICE DOGS AND SUPPORT DOGS.~~

(2) TO BE ELIGIBLE FOR SELECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A NONPROFIT ENTITY MUST:

(I) BE BASED IN THE STATE;

(II) SERVE THE NEEDS OF THE VETERAN POPULATION IN THE STATE; AND

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

(E) (1) A NONPROFIT TRAINING ENTITY MAY DISQUALIFY A PROGRAM PARTICIPANT FROM PARTICIPATION IN THE PROGRAM IF THE NONPROFIT

1 TRAINING ENTITY DETERMINES THAT THE PROGRAM PARTICIPANT'S INVOLVEMENT
2 IN THE PROGRAM:

3 (I) PRESENTS A DANGER TO THE PROGRAM PARTICIPANT'S
4 MENTAL OR PHYSICAL WELLBEING;

5 (II) HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO
6 OTHERS, AN ANIMAL, OR PROPERTY;

7 (III) PRESENTS A DANGER TO THE SERVICE DOG'S OR SUPPORT
8 DOG'S MENTAL OR PHYSICAL WELL-BEING; OR

9 (IV) DOES NOT MEET THE TRAINING REQUIREMENT OF THE
10 NONPROFIT.

11 (2) A PROGRAM PARTICIPANT MAY DISCONTINUE INVOLVEMENT IN
12 THE PROGRAM FOR ANY REASON.

13 (F) (1) THERE IS A MARYLAND VETERANS SERVICE ANIMAL PROGRAM
14 FUND.

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

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

18 (I) A NONPROFIT TRAINING ENTITY; AND

19 (II) ADMINISTRATIVE COSTS OF THE PROGRAM.

20 (4) THE SECRETARY SHALL ADMINISTER THE FUND.

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

23 (II) THE STATE TREASURER SHALL HOLD THE FUND
24 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

25 (6) THE FUND CONSISTS OF:

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

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

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

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

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

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

(10) 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.

(G) (1) FOR THE PURPOSE OF IMPLEMENTING THIS SECTION, THE DEPARTMENT MAY ACCEPT GIFTS OR GRANTS FOR DONATION TO THE FUND.

(2) ON OR BEFORE OCTOBER 1, 2018, AND EACH OCTOBER 1 THEREAFTER, THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEB SITE A LIST OF THE NAMES OF THE PERSONS WHO HAVE DONATED TO THE FUND IN THE PREVIOUS YEAR AND HAVE NOT REQUESTED ANONYMITY.

(H) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS ESTABLISHING PROCEDURES FOR THE DEPARTMENT TO:

(1) ~~ADVERTISE~~ PROMOTE THE PROGRAM TO ELIGIBLE VETERANS THROUGH THE DEPARTMENT'S OUTREACH METHODS;

~~(2) CREATE AN APPLICATION AND SELECTION PROCESS FOR ELIGIBLE VETERANS; AND~~

~~(3) ESTABLISH A PROCESS TO SHARE APPROVED APPLICATIONS OF POTENTIAL PROGRAM PARTICIPANTS WITH THE SELECTED NONPROFIT.~~

(2) REFER ELIGIBLE VETERANS TO SELECTED NONPROFIT ENTITIES;

(3) RECEIVE DONATIONS FOR THE FUND THROUGH A LINK PLACED IN A PROMINENT LOCATION ON THE DEPARTMENT'S WEB SITE; AND

(4) USE REVENUE FROM THE FUND TO PAY SELECTED NONPROFIT ENTITIES FOR SERVICES THAT ARE PROVIDED THROUGH THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Department of Veterans Affairs shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, the following information regarding the Maryland Veterans Service Animal Program established under § 9-957 of the State Government 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 Veterans Service Animal Program Fund established under § 9-957 of the State Government Article, as enacted by Section 1 of this Act; and

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.