Resolution 2016-04

Regarding Service Animal User Access to Public Accommodations

WHEREAS, 42 U.S.C. Section 12182(a) provides that “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation”; and

WHEREAS, the Department of Justice has promulgated regulations applying Title III of the Americans with Disabilities Act to public accommodations for service animal users as follows: “Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public…are allowed to go” (Federal Register - Vol. 75, No. 178 (9/15/2010), pg. 56251); and

WHEREAS, Section 7-704(a) of the Human Services Article of the Maryland Code provides that "Individuals with disabilities ...who are accompanied by ... a service animal have the same right as individuals without disabilities to the full and free use of the roads, sidewalks, public buildings, public facilities, and other public places."; and

WHEREAS, MedStar St. Mary’s Hospital is a public facility as contemplated under the Maryland Code and is, therefore, obligated to serve members of the general public including those who use service animals; and

WHEREAS, blind residents of the state of Maryland who use service animals (upon arriving at the MedStar St. Mary’s Hospital) have reported being forced to wait more than an hour longer than other residents before finally receiving treatment after an additional screening process, which is tantamount to discriminating against people who use service animals; and

WHEREAS, violations of Maryland’s White Cane Law at MedStar St. Mary’s Hospital are not isolated incidents but are examples of the type of discrimination perpetrated against people with disabilities at hospitals, emergency rooms, and urgent care facilities across the state; and

WHEREAS, all places of public accommodation (including hospitals, emergency rooms, and urgent care facilities) are bound by, and must adhere to, the Americans with Disabilities Act as well as the state’s White Cane Law, which also guarantees public access for service animal users, and

WHEREAS, there is a need to increase public awareness of applicable laws to improve access for service animal users in the state of Maryland and to help public facilities comply with their obligation to provide access and equal treatment to people with disabilities, including those who use service animals; and

WHEREAS, the National Federation of the Blind of Maryland is the largest membership organization of the blind in the state and, as such (through its legislative initiatives and advocacy efforts), is helping blind Marylanders live the lives they want: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Maryland in Convention assembled this thirtieth day of October, 2016, in the city of Baltimore, Maryland, that this organization urge all hospitals, emergency rooms, and urgent care facilities (as places of public accommodation) to take steps to ensure that all people with disabilities, including service animal users, are given equal access under the Americans with Disabilities Act and the state’s White Cane Law; and

BE IT FURTHER RESOLVED that this organization urge our state’s medical facilities to work with the National Federation of the Blind of Maryland to train medical professionals regarding the appropriate way to assist service animal users and to comply with applicable laws granting public access to blind residents of the state of Maryland.