

Resolution No.: 16-1252  
Introduced: November 10, 2009  
Adopted: February 2, 2010

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

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By: Councilmembers Trachtenberg, Navarro, Floreen, Elrich, Leventhal, and Berliner

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**SUBJECT:** Board of Health Regulation Requiring a Disclaimer for Certain Pregnancy Resource Centers

**Background**

1. County Code §2-65, as amended effective August 10, 2000, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202(d) authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On December 1, 2009, the County Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On January 25, 2010, the Health and Human Services Committee held a worksession on this regulation and recommended the Council adopt the regulation as amended.
5. The County Council, sitting as the Board of Health, finds after hearing the testimony and other evidence in the record of the public hearing that requiring a disclaimer for certain pregnancy resource centers is necessary to protect the health of County residents. The Board of Health's concern is that clients may be misled into believing that a Center is providing medical services when it is not. Clients could therefore neglect to take action (such as consulting a doctor) that would protect their health or prevent adverse consequences, including disease, to the client or the pregnancy.

**Action**

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following regulation:

**Required Disclaimers for Certain Pregnancy Resource Centers**

**(a) Definitions.**

- (1) “*Client*” means a client or potential client.
- (2) “*Licensed medical professional on staff*” means one or more individuals who:
  - (A) are licensed by the appropriate State agency under Title 8, 14, or 15 of the Health Occupations Article of the Maryland Code;
  - (B) provide medical-related services at the Center by either:
    - (i) providing medical services to clients at the Center at least 20 hours per week; or
    - (ii) directly overseeing medical services provided at the Center; and
  - (C) are employed by or offer their services at the Center.
- (3) “*Limited Service Pregnancy Resource Center*” or “*Center*” means an organization, center, or individual that:
  - (A) has a primary purpose to provide pregnancy-related;
  - (B) does not have a licensed medical professional on staff; and
  - (C) provides information about pregnancy-related services, for a fee or as a free service.

**(b) Disclaimer required.**

- (1) A limited service pregnancy resource center must post at least 1 sign in the Center indicating that:
  - (a) the Center does not have a licensed medical professional on staff; and
  - (b) the Montgomery County Health Officer encourages women who are or may be pregnant to consult with a licensed health care provider.
- (2) The sign required in paragraph (b)(1) must be:
  - (a) written in English and Spanish;
  - (b) easily readable; and
  - (c) conspicuously posted in the Center’s waiting room or other area where individuals await service.

**(c) Enforcement.**

- (1) Any violation of this regulation is a Class A civil violation.

- 31 (2) The County Attorney may file an action in a court with jurisdiction to enjoin  
32 repeated violations of this regulation.
- 33 (3) The Department of Health and Human Services must investigate each complaint  
34 alleging a violation of this regulation and take appropriate action, including  
35 issuing a civil citation when compliance cannot be obtained otherwise. If the  
36 Department learns that a limited service pregnancy resource center is in violation  
37 of this regulation, the Department must, before issuing a citation, issue a written  
38 notice ordering the Center to correct the violation within either:
- 39 (a) 10 days of the notice; or  
40 (b) a longer period that the Department specifies in the notice.
- 41 (d) **Applicability.** This regulation applies Countywide.
- 42 (e) **Severability.** If the application of this regulation or any part of it to any facts or  
43 circumstances is held invalid, the rest of the regulation and its application to all other  
44 facts and circumstances is intended to remain in effect.
- 45 (f) **Effective Date.** This regulation takes effect on the date on which it is adopted.

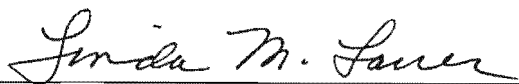
46 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council