

Resolution No.: _____
Introduced: _____
Adopted: _____

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

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

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 {date} 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. 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.

Action

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

1 **Required Disclaimers for Certain Pregnancy Resource Centers**

2 (a) **Definitions.**

- 3 (1) “*Client*” means a client or potential client.
- 4 (2) “*Limited Service Pregnancy Resource Center*” means an organization or center
- 5 that:
- 6 (A) has a primary purpose to provide pregnancy-related services that do not
- 7 constitute the practice of medicine;
- 8 (B) provides information about pregnancy-related services, for a fee or as a
- 9 free service; and
- 10 (C) does not provide or refer clients for:
- 11 (i) abortions; or
- 12 (ii) nondirective and comprehensive contraceptive services.

13 (b) **Disclaimer required.**

- 14 (1) A limited service pregnancy resource center must provide a client with the
- 15 disclaimer required in Section (c):
- 16 (a) by the staff assisting the client;
- 17 (b) during the first communication or first contact with a client; and
- 18 (c) in a written statement or oral communication that the client reasonably
- 19 understands.
- 20 (2) Any written disclaimer must be provided in English and Spanish.

21 (c) **Contents of disclaimer.** The disclaimer must state that:

- 22 (1) the information that the limited service pregnancy resource center provides is not
- 23 intended to be medical advice or to establish a doctor-patient relationship; and
- 24 (2) the client should consult with a health care provider before proceeding on a
- 25 course of action regarding the client’s pregnancy.

26 (d) **Enforcement.**

- 27 (1) Any violation of this regulation is a Class A civil violation. Each day a violation
- 28 exists is a separate offense.
- 29 (2) The County Attorney or any affected party may file an action in a court with
- 30 jurisdiction to enjoin repeated violations of this regulation.

31 (3) The Department of Health and Human Services must investigate each complaint
32 alleging a violation of this regulation and take appropriate action, including
33 issuing a civil citation when compliance cannot be obtained otherwise.

34 (e) **Applicability.** This regulation applies Countywide.

35 (f) **Severability.** If the application of this regulation or any part of it to any facts or
36 circumstances is held invalid, the rest of the regulation and its application to all other
37 facts and circumstances is intended to remain in effect.

38 (g) **Effective Date.** This regulation takes effect on the date on which it is adopted.

39 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council