

*Clerk's Note: added the word "services" on  
line 14 to reflect Council action.*

**CORRECTED COPY**

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:



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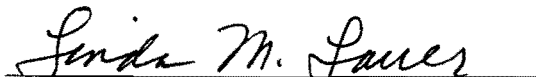
(2) The County Attorney may file an action in a court with jurisdiction to enjoin repeated violations of this regulation.

(3) The Department of Health and Human Services must investigate each complaint alleging a violation of this regulation and take appropriate action, including issuing a civil citation when compliance cannot be obtained otherwise. If the Department learns that a limited service pregnancy resource center is in violation of this regulation, the Department must, before issuing a citation, issue a written notice ordering the Center to correct the violation within either:

- (a) 10 days of the notice; or
- (b) a longer period that the Department specifies in the notice.

- (d) **Applicability.** This regulation applies Countywide.
- (e) **Severability.** If the application of this regulation or any part of it to any facts or circumstances is held invalid, the rest of the regulation and its application to all other facts and circumstances is intended to remain in effect.
- (f) **Effective Date.** This regulation takes effect on the date on which it is adopted.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council