

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0406

Introduced by: President Rawlings-Blake, Councilmembers Clarke, Middleton, D’Adamo, Cole,
Henry, Spector, Conaway, Curran, Branch, Holton
Introduced and read first time: October 5, 2009
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 16, 2009

AN ORDINANCE CONCERNING

Limited-Service Pregnancy Centers – Disclaimers

FOR the purpose of requiring limited-service pregnancy centers to provide a certain disclaimer to clients and potential clients; defining a certain term; imposing certain penalties; and generally relating to required disclaimers by limited-service pregnancy centers.

By adding

Article - Health

Section(s) 3-501 through 3-506, to be under the new subtitle designation,

“Subtitle 5. Limited-Service Pregnancy Centers

Baltimore City Revised Code

(Edition 2000)

By adding

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7)(Title 3, Subtitle 5) and 41-14(6)(Title 3, Subtitle 5)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

Title 3. Health Facilities

SUBTITLE 5. LIMITED-SERVICE PREGNANCY CENTERS

§ 3-501. “LIMITED-SERVICE PREGNANCY CENTER” DEFINED.

IN THIS SUBTITLE, “LIMITED-SERVICE PREGNANCY CENTER” MEANS ANY PERSON:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 09-0406

1 (1) WHOSE PRIMARY PURPOSE IS TO PROVIDE PREGNANCY-RELATED SERVICES; AND

2 (2) WHO:

3 (I) FOR A FEE OR AS A FREE SERVICE, PROVIDES INFORMATION ABOUT
4 PREGNANCY-RELATED SERVICES; BUT

5 (II) DOES NOT PROVIDE OR REFER FOR:

6 (A) ABORTIONS; OR

7 (B) NONDIRECTIVE AND COMPREHENSIVE BIRTH-CONTROL SERVICES.

8 **§ 3-502. DISCLAIMER REQUIRED.**

9 (A) *IN GENERAL.*

10 A LIMITED-SERVICE PREGNANCY CENTER MUST PROVIDE ITS CLIENTS AND POTENTIAL
11 CLIENTS WITH A DISCLAIMER SUBSTANTIALLY TO THE EFFECT THAT THE CENTER DOES NOT
12 PROVIDE OR MAKE REFERRAL FOR ABORTION OR BIRTH-CONTROL SERVICES.

13 (B) *HOW GIVEN.*

14 THE DISCLAIMER REQUIRED BY THIS SECTION MUST BE GIVEN THROUGH 1 OR MORE SIGNS
15 THAT ARE:

16 (1) WRITTEN IN ENGLISH AND SPANISH;

17 (2) EASILY READABLE; AND

18 (3) CONSPICUOUSLY POSTED IN THE CENTER'S WAITING ROOM OR OTHER AREA WHERE
19 INDIVIDUALS AWAIT SERVICE.

20 **§ 3-503. VIOLATION NOTICE.**

21 IF THE HEALTH COMMISSIONER LEARNS THAT A PREGNANCY CENTER IS IN VIOLATION OF THIS
22 SUBTITLE, THE COMMISSIONER SHALL ISSUE A WRITTEN NOTICE ORDERING THE CENTER TO
23 CORRECT THE VIOLATION WITHIN 10 DAYS OF THE NOTICE OR WITHIN ANY LONGER PERIOD
24 THAT THE COMMISSIONER SPECIFIES IN THE NOTICE.

25 **~~§§ 3-503 3-504 TO 3-505. {RESERVED}~~**

26 **~~§ 3-506. PENALTIES: \$500.~~**

27 (A) ~~*IN GENERAL.*~~

28 ~~ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE OR OF A RULE OR~~
29 ~~REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON~~
30 ~~CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.~~

Council Bill 09-0406

1 ~~(B) EACH DAY A SEPARATE OFFENSE.~~

2 ~~EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.~~

3 **§ 3-506. ENFORCEMENT BY CITATION.**

4 (A) IN GENERAL.

5 THE FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER § 3-503 {"VIOLATION NOTICE"}
6 OF THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

7 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
8 {“ENVIRONMENTAL CONTROL BOARD”}; OR

9 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
10 CITATIONS”}.

11 (B) PROCESS NOT EXCLUSIVE.

12 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
13 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

14 **Baltimore City Code**

15 **Article 1. Mayor, City Council, and Municipal Agencies**

16 **Subtitle 40. Environmental Control Board**

17 **§ 40-14. Violations to which subtitle applies.**

18 (e) Provisions and penalties enumerated.

19 (7) **Health Code**

20 TITLE 3. HEALTH FACILITIES

21 SUBTITLE 5. LIMITED-SERVICE PREGNANCY CENTERS \$150

22 **Subtitle 41. Civil Citations**

23 **§ 41-14. Offenses to which subtitle applies – Listing.**

24 (6) **Health Code**

25 TITLE 3. HEALTH FACILITIES

26 SUBTITLE 5. LIMITED-SERVICE PREGNANCY CENTERS \$150

Council Bill 09-0406

1 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City