

**Public Input Sought on Amendment to Regulation on
Limited-Service Pregnancy Center Disclaimers in Baltimore City**

August 11, 2010 – The Baltimore City Council passed Council Bill 09-0406, Limited-Service Pregnancy Centers – Disclaimers, which requires limited-service pregnancy centers to provide accurate information about available services to clients and potential clients. The Health Department adopted regulations to enforce this new law on July 15, 2010. The attached proposed amendment to the regulations is to make a term in the regulation precisely mirror a term in the ordinance “nondirective and comprehensive birth control services,” rather than “nondirective comprehensive birth control services.” In addition the proposed amendment eliminates an ambiguity in the regulation by clarifying that nondirective and comprehensive birth control services must include services that may only be prescribed or provided by licensed health care professionals.

Limited service-pregnancy centers, also referred to as crisis pregnancy centers, are organizations that advertise free pregnancy services to women. Their services usually include free pregnancy testing, options counseling, and short term material assistance for women with unplanned pregnancies. These centers, however, do not provide complete and comprehensive information regarding all pregnancy options and birth control prevention.

In Baltimore City, BCHD is working to reduce the number of unplanned pregnancies. The ability to plan pregnancies is associated with better birth outcomes, decreased poverty, and increased educational opportunities and workforce prospects.

It is imperative that all Baltimore City women have the ability to obtain factual and timely advice on all available health care options. This bill requires a limited-service pregnancy center to post conspicuously in its waiting area an easily readable disclaimer sign in English and Spanish that it does not provide or make referrals for abortion or comprehensive birth-control services. The new ordinance does not regulate or address what other material or signs a limited-service pregnancy center may choose to have in its waiting areas.

The interim Health Commissioner, who is responsible for enforcing the requirement, is seeking public input on the proposed amendment to the regulations. Detailed descriptions of the proposed amendment to the regulations and instructions for public comment are online at www.baltimorehealth.org or available at the address below. The deadline for public comment is September 10, 2010. Comments on this proposed regulation should be sent to rachel.indek@baltimorecity.gov or via mail to Baltimore City Health Department, 1001 E Fayette St., Baltimore, MD 21201, Attention: Rachel Indek.

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I. PROPOSED REGULATION

A. Definitions

- i) "Limited-service pregnancy center" means any person:
 - (a) Whose primary purpose is to provide pregnancy-related services; and
 - (b) Who
 1. For a fee or as a free service, provides information about pregnancy-related services; but
 2. Does not provide or refer for:
 - a. Abortions; or
 - b. Nondirective and comprehensive birth-control services.
 - i. "Nondirective and comprehensive birth-control services" means birth-control services which only a licensed healthcare professional may prescribe or provide.

Disclaimer Sign Posting.

- B. Except as provided in subsection ii. below, each limited-service pregnancy center shall post in its waiting room or other area where individuals await service:
 - (a) one or more disclaimer signs
 - (b) in English and Spanish
 - (c) indicating that the center does not provide or refer for abortions or nondirective and comprehensive birth-control services.
 - ii) If the center provides or refers for some birth-control services, it may indicate on the disclaimer sign what birth-control services it does provide and/or refer for.
 - iii) A center may indicate on the disclaimer sign that the sign is required by Baltimore City ordinance.
- C. Ability to Read Disclaimer Sign
 - i) An individual with normal vision should be able to read at least one disclaimer sign from any location in the waiting area.
 - ii) The disclaimer sign need not use any particular words but its content shall be limited to statements of fact as provided in Section B. above.

D. Enforcement

- i) If the Health Commissioner learns that a center is in violation of this subtitle, the Commissioner shall issue a written notice ordering the center to correct the violation within 10 days of the notice or within any longer period that the Commissioner specifies in the notice.
- ii) If the center fails to comply with the order, then the Commissioner may issue:
 - (a) one or more environmental citations under City Code Article 1, Subtitle 40;
or
 - (b) one or more civil citations under City Code Article 1, Subtitle 41.