

Proposed Regulation  
on  
Limited-Service Pregnancy Center Disclaimers  
in Baltimore City

Baltimore City Health Department  
April 15, 2010

## I. BACKGROUND

### A. Legal Authority

Title 3, Subtitle 5 of the Health Code 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. Section 3-503 of the Health Code provides that the Health Commissioner is responsible for enforcing the requirement. Under § 2-106 of the Baltimore City Health Code, the Health Commissioner may adopt and enforce regulations to carry out his duties.

### B. Proposed Regulation

To provide limited-service pregnancy centers guidance on how to meet the requirements of the Title 3, Subtitle 5 of the Health Code, the Health Department proposes this regulation. The regulation would take effect 30 days after adoption.

The proposed regulation does not mandate specific wording in the disclaimer sign. It merely requires the sign to reflect accurately whether the limited-service pregnancy center provides or refers for abortions, and whether it provides or refers for nondirective comprehensive birth-control services. If the center provides or refers for some, but not comprehensive, birth-control services, then the sign may indicate that.

This proposed regulation does not regulate or address what other material or signs a limited-service pregnancy center may choose to have in its waiting areas.

The Health Department is requesting public comment on this proposed regulation. Please send comments electronically to [bchd@baltimorecity.gov](mailto:bchd@baltimorecity.gov) or via mail to Baltimore City Health Department, 210 Guilford Avenue, Baltimore MD 21209 Attention: Rachel Indek.

The deadline for the submission of comments is \_\_\_\_\_.

## II. 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.
- ii. "Nondirective comprehensive birth-control services" means birth-control services which only a licensed healthcare professional may prescribe or provide but may include other birth-control services.

### B. Disclaimer Sign Posting.

- i. 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 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) an environmental citation under City Code Article 1, Subtitle 40; or
  - b) a civil citation under City Code Article 1, Subtitle 41.
- iii. The issuance of a citation does not preclude the Commissioner from pursuit of any other civil or criminal remedy or enforcement action authorized by law.