

SENATE BILL 283

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2003 Regular Session  
3r1514  
CF 3r1566

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By: **Senators Jimeno, Astle, Colburn, DeGrange, Hafer, Haines, Hollinger,  
Hooper, Jacobs, Kittleman, Klausmeier, and Middleton**

Introduced and read first time: January 31, 2003

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2003

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CHAPTER 371

1 AN ACT concerning

2 **Consumer Protection - Maryland Consumer Protection Act - ~~Scope~~ Private**  
3 **Rights of Action**

4 FOR the purpose of altering the scope of the Maryland Consumer Protection Act to  
5 exclude certain private rights of action concerning the professional services of  
6 certain health care providers; and generally relating to the Maryland Consumer  
7 Protection Act.

8 BY ~~repealing and reenacting, with amendments, adding to~~  
9 Article - Commercial Law  
10 Section ~~13-104~~ 13-408(d)  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 3-2A-01(a) and (e)  
16 Annotated Code of Maryland  
17 (2002 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Commercial Law**2 ~~13-104.~~

3 This title does not apply to:

4 (1) ~~The professional services of a certified public accountant, architect,~~  
5 ~~clergyman, professional engineer, lawyer, veterinarian, insurance company~~  
6 ~~authorized to do business in the State, insurance producer licensed by the State,~~  
7 ~~Christian Science practitioner, land surveyor, property line surveyor, chiropractor,~~  
8 ~~optometrist, physical therapist, podiatrist, real estate broker, associate real estate~~  
9 ~~broker, or real estate salesperson, [or] medical or dental practitioner, OR HEALTH~~  
10 ~~CARE PROVIDER, AS DEFINED IN § 3-2A-01 OF THE COURTS ARTICLE;~~

11 (2) ~~A public service company, to the extent that the company's services~~  
12 ~~and operations are regulated by the Public Service Commission; or~~

13 (3) ~~A television or radio broadcasting station or a publisher or printer of~~  
14 ~~a newspaper, magazine, or other form of printed advertising who broadcasts,~~  
15 ~~publishes, or prints an advertisement which violates this title, unless the station,~~  
16 ~~publisher, or printer engages in an unfair or deceptive trade practice in the sale of its~~  
17 ~~own goods or services or has knowledge that the advertising is in violation of this~~  
18 ~~title.~~

19 ~~13-408.~~

20 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON  
21 MAY NOT BRING AN ACTION UNDER THIS SECTION TO RECOVER FOR INJURIES  
22 SUSTAINED AS A RESULT OF THE PROFESSIONAL SERVICES PROVIDED BY A HEALTH  
23 CARE PROVIDER, AS DEFINED IN § 3-2A-01 OF THE COURTS ARTICLE.

24 **Article - Courts and Judicial Proceedings**

25 3-2A-01.

26 (a) In this subtitle the following terms have the meanings indicated unless the  
27 context of their use requires otherwise.

28 (e) "Health care provider" means a hospital, a related institution as defined in  
29 § 19-301 of the Health - General Article, a physician, an osteopath, an optometrist, a  
30 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a  
31 psychologist, a licensed certified social worker-clinical, and a physical therapist,  
32 licensed or authorized to provide one or more health care services in Maryland.  
33 "Health care provider" does not mean any nursing institution conducted by and for  
34 those who rely upon treatment by spiritual means through prayer alone in accordance  
35 with the tenets and practices of a recognized church or religious denomination.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 July 1, 2003.

