

SENATE BILL 283

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2003 Regular Session
3r1514
CF 3r1566

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

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Maryland Consumer Protection Act - Scope**

3 FOR the purpose of altering the scope of the Maryland Consumer Protection Act to
4 exclude the professional services of certain health care providers; and generally
5 relating to the Maryland Consumer Protection Act.

6 BY repealing and reenacting, with amendments,
7 Article - Commercial Law
8 Section 13-104
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2002 Supplement)

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

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

18 **Article - Commercial Law**

19 13-104.

20 This title does not apply to:

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

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

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

9 **Article - Courts and Judicial Proceedings**

10 3-2A-01.

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

13 (e) "Health care provider" means a hospital, a related institution as defined in
14 § 19-301 of the Health - General Article, a physician, an osteopath, an optometrist, a
15 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a
16 psychologist, a licensed certified social worker-clinical, and a physical therapist,
17 licensed or authorized to provide one or more health care services in Maryland.
18 "Health care provider" does not mean any nursing institution conducted by and for
19 those who rely upon treatment by spiritual means through prayer alone in accordance
20 with the tenets and practices of a recognized church or religious denomination.

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