

17-315.1.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(1) THE UNAUTHORIZED PRACTICE OF PROFESSIONAL COUNSELING AND CLINICAL PROFESSIONAL COUNSELING, ALCOHOL AND DRUG COUNSELING AND CLINICAL ALCOHOL AND DRUG COUNSELING, OR MARRIAGE AND FAMILY THERAPY AND CLINICAL MARRIAGE AND FAMILY THERAPY; OR

(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 17-313 OF THIS SUBTITLE.

(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

(1) THE BOARD, IN ITS OWN NAME;

(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(1) RESIDES; OR

(2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

(D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF PROFESSIONAL COUNSELING AND CLINICAL PROFESSIONAL COUNSELING, ALCOHOL AND DRUG COUNSELING AND CLINICAL ALCOHOL AND DRUG COUNSELING, OR MARRIAGE AND FAMILY THERAPY AND CLINICAL MARRIAGE AND FAMILY THERAPY UNDER §§ 17-3A-11 AND 17-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 17-313 OF THIS SUBTITLE.

17-402.

(a) Any person who violates any provision of § 17-401 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding ~~[\$500]~~ ~~\$5,000~~ \$2,000 or imprisonment not exceeding ~~[6 months]~~ ~~3 YEARS~~ 1 YEAR or both.

(b) Each violation of this section is a separate offense.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 26, 2004.