



General Assembly

February Session, 2018

Raised Bill No. 5416

LCO No. 1940



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES OF LIMITED SERVICES PREGNANCY CENTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) As used in this section and
2 sections 2 to 4, inclusive, of this act, the following terms shall have the
3 following meanings:

4 (1) "Abortion" means the termination of a pregnancy for purposes
5 other than producing a live birth. "Abortion" includes, but is not
6 limited to, a termination of a pregnancy using pharmacological agents;

7 (2) "Client" means an individual who is inquiring about or seeking
8 services at a pregnancy services center;

9 (3) "Clinical laboratory services" means the microbiological,
10 serological, chemical, hematological, biophysical, cytological, or
11 pathological examination of materials derived from the human body
12 for the purpose of obtaining information for the diagnosis, prevention,
13 or treatment of disease or the assessment of a health condition;

14 (4) "Emergency contraception" means one or more prescription
15 drugs (A) used separately or in combination for the purpose of
16 preventing pregnancy, (B) administered to or self-administered by a
17 patient within a medically recommended amount of time after sexual
18 intercourse, (C) dispensed for such purpose in accordance with
19 professional standards of practice, and (D) determined by the United
20 States Food and Drug Administration to be safe for such purpose;

21 (5) "Health information" means any oral or written information in
22 any form or medium that relates to health insurance or the past,
23 present or future physical or mental health or condition of a client;

24 (6) "Licensed health care provider" means a person licensed under
25 the provisions of federal or state law to provide health care or other
26 medical services;

27 (7) "Limited services pregnancy center" means a pregnancy services
28 center that does not provide referrals to clients for abortions or
29 emergency contraception;

30 (8) "Pregnancy-related service" means any medical or health
31 counseling service related to pregnancy or pregnancy prevention,
32 including, but not limited to, contraception and contraceptive
33 counseling, pregnancy testing, pregnancy diagnosis, pregnancy
34 options counseling, obstetric ultrasound, obstetric sonogram and
35 prenatal care;

36 (9) "Pregnancy services center" means a facility, licensed or
37 otherwise, including mobile facilities, the primary purpose of which is
38 to provide services to women who are or may be pregnant and that
39 either (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy
40 testing or diagnosis, or prenatal care to pregnant women, or (B) has the
41 appearance of a medical facility by virtue of having two or more of the
42 following factors present: (i) Staff or volunteers who wear medical
43 attire and uniforms; (ii) one or more examination tables; (iii) a private
44 or semi-private room or area containing medical supplies or medical
45 instruments; (iv) staff or volunteers who collect health information

46 from clients; or (v) the facility is located on the same premises as a
47 licensed health care facility or licensed health care provider or shares
48 facility space with a licensed health care provider;

49 (10) "Premises" means land and improvements or appurtenances or
50 any part thereof; and

51 (11) "Prenatal care" means services consisting of physical
52 examination, pelvic examination or clinic laboratory services provided
53 to a woman during pregnancy.

54 Sec. 2. (NEW) (*Effective July 1, 2018*) No limited services pregnancy
55 center shall make or disseminate or cause to be made or disseminated
56 in any newspaper or other publication, through any advertising
57 device, or in any other manner, including, but not limited to, through
58 use of the Internet, any statement concerning any pregnancy-related
59 service or the provision of any pregnancy-related service (1) that is
60 false, misleading or deceptive or that a limited services pregnancy
61 center reasonably should know to be false, misleading or deceptive, or
62 (2) with the intent not to perform such pregnancy-related service as
63 advertised.

64 Sec. 3. (NEW) (*Effective July 1, 2018*) (a) The Attorney General may
65 apply to any court of competent jurisdiction for injunctive relief to
66 compel compliance with the provisions of section 2 of this act and
67 correct the effects of the false, misleading, or deceptive advertising.
68 Any injunctive relief ordered by the court under this section may
69 require a limited services pregnancy center to take whatever remedial
70 steps the court deems necessary to correct the effects of the false,
71 misleading or deceptive advertising and to prevent further harm from
72 occurring. Such steps may include requiring the limited service
73 pregnancy center to:

74 (1) Pay for and disseminate appropriate corrective advertising in the
75 same form and using the same advertising device as used in the false,
76 misleading, or deceptive advertising;

77 (2) Post a remedial notice that corrects the effects of the false,
78 misleading or deceptive advertising for clients entering the facility that
79 may have seen the original false, misleading or deceptive
80 advertisements, but not any subsequent court-ordered corrective
81 advertisements required under subdivision (1) of this subsection; or

82 (3) Provide such other relief as the court deems necessary to remedy
83 the adverse effects of the false, misleading, or deceptive advertising on
84 any clients seeking pregnancy-related services.

85 (b) Upon a finding by the court that a limited services pregnancy
86 center has violated any provision of section 2 of this act, the state shall
87 be entitled to recover (1) civil penalties of not less than fifty dollars and
88 not more than five hundred dollars per violation, and (2) reasonable
89 attorney's fees and costs.

90 (c) Nothing in this section shall be construed as a limitation upon
91 the power or authority of the state or any political subdivision thereof
92 to seek any administrative, legal or equitable relief permitted by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	New section
Sec. 2	<i>July 1, 2018</i>	New section
Sec. 3	<i>July 1, 2018</i>	New section

Statement of Purpose:

To prohibit deceptive advertising practices by limited services pregnancy centers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]