

March 20, 2018

Senator Terry Gerratana
Senator Heather Somers
Representative Jonathan Steinberg
Connecticut State Legislative Joint Committee on Public Health

RE: HB 5416

Dear Sens. Gerratana and Somers, Rep. Steinberg, and Public Health Committee Members,

My name is Matthew Lifson, I live in New Haven, and I am a second-year student at Yale Law School, where I am a member of the Reproductive Rights and Justice Project legal clinic. I offer this testimony in support of HB 5416 in my personal capacity and do not purport to represent the views of Yale Law School.

I am here today to reassure the Committee that HB 5416 raises no First Amendment concerns. It is merely a truth-in-advertising law that requires certain medical facilities to avoid misleading the public about commercial services. The First Amendment protects only *accurate* commercial speech.

HB 5416 was carefully drafted to ensure that women seeking pregnancy-related healthcare services receive information that is truthful and not misleading about the nature of the services that the facilities provide.

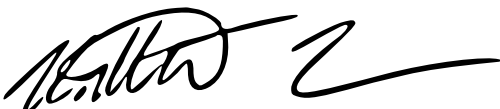
It does not interfere with the facilities' First Amendment-protected speech concerning their political views about reproductive healthcare services. Instead, it simply prohibits false advertising.

Even the Trump Administration agrees that advertisements promoting services delivered at these centers are commercial speech, whether or not they charge for their services. As the Justice Department recently wrote:

A manufacturer that offers free samples as a promotion, or a professional that offers free consultations to attract customers, is still entering the marketplace in competition with other providers, and the government's interest in requiring disclosures about the goods or services does not automatically disappear merely because they are offered without charge.

Commercial speech receives limited protections under the First Amendment. It is protected only to protect the consumer's access to *accurate* information. *False, misleading and deceptive* commercial speech, such as that banned by the bill, receives NO protection under the First Amendment. Thus, the bill does not violate any First Amendment guarantees.

Respectfully submitted,



Matthew Lifson