
OLR Bill Analysis

sHB 7070

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

SUMMARY

This bill prohibits deceptive advertising by limited services pregnancy centers, which it defines as pregnancy services centers (see below) that do not provide referrals for abortions or emergency contraception. Specifically, it prohibits these centers from making or otherwise disseminating any statement about a pregnancy-related service or the provision of any such service:

1. that is explicitly or implicitly false, misleading, or deceptive, or that the center reasonably should know to be so, or
2. with the intent not to perform the service as explicitly or implicitly advertised.

This prohibition applies (1) whether the centers make these statements themselves or cause others to do so and (2) to statements or advertisements made in any manner, including online or through print publications.

The bill allows the attorney general to apply to court for related injunctive relief, if he first gave written notice to the center and it did not cure the violation within 10 days. Among other things, the court can order the center to pay for and disseminate appropriate corrective advertising. If the court finds that the center violated the above prohibition, the center also must pay civil penalties (\$50 to \$500 per violation) and reasonable attorney's fees.

The bill specifies that it does not limit the authority of the state or its political subdivisions from seeking any administrative, legal, or

equitable relief permitted by law.

EFFECTIVE DATE: July 1, 2019

DEFINITIONS

Under the bill, a “limited services pregnancy center” is a pregnancy services center that does not provide referrals for abortions or emergency contraception. A “pregnancy services center” is a facility, including a mobile facility, whose primary purpose is to provide services to clients who are or may be pregnant, and that either (1) offers obstetric ultrasounds or sonograms, pregnancy testing or diagnosis, or prenatal care, or (2) has the appearance of a medical facility by having at least two of five specified factors present. These factors are as follows:

1. staff or volunteers who wear medical attire and uniforms;
2. one or more examination tables;
3. a private or semiprivate room or area with medical supplies or instruments;
4. staff or volunteers who collect health information from clients; or
5. the facility (a) is on the same premises as a licensed health care facility or licensed health care provider or (b) shares facility space with a licensed provider.

The bill applies to statements about a “pregnancy-related service,” which is any medical or health counseling service related to pregnancy or pregnancy prevention, including contraception and contraceptive counseling, pregnancy testing or diagnosis, pregnancy options counseling, obstetric ultrasound or sonogram, and prenatal care.

ATTORNEY GENERAL ENFORCEMENT AND COURT AUTHORITY

Under the bill, before the attorney general may apply to court for injunctive relief in response to such false, misleading, or deceptive advertising, he must give written notice of the violation to the limited services pregnancy center. The center has 10 days after receiving the

notice to cure the violation. If the center does not respond or refuses to correct the advertising within this 10-day period, the attorney general may apply to court for injunctive relief to compel compliance and correct the effects of the advertising.

The court may order the center to take whatever remedial steps the court deems necessary to correct the effects of the false, misleading, or deceptive advertising and to prevent further harm. These steps may include requiring the center to:

1. pay for and disseminate appropriate corrective advertising in the same form and using the same advertising device as the prohibited advertising;
2. post a remedial notice that corrects the effects of the prohibited advertising for clients entering the facility who may have seen the original advertisements, but have not seen any subsequent court-ordered corrective advertisements; or
3. provide other relief as the court deems necessary to remedy the prohibited advertising's adverse effects on any clients seeking pregnancy-related services.

If the court finds that a center violated the bill's prohibition, it also must order the center to pay to the state (1) civil penalties of \$50 to \$500 per violation and (2) reasonable attorney's fees and costs.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 14 Nay 11 (03/29/2019)