



General Assembly

## ***Amendment***

***January Session, 2019***

**LCO No. 8919**



Offered by:

REP. STEINBERG, 136<sup>th</sup> Dist.  
SEN. DAUGHERTY ABRAMS, 13<sup>th</sup>  
Dist.  
REP. GILCHREST, 18<sup>th</sup> Dist.  
REP. CONLEY, 40<sup>th</sup> Dist.  
REP. MCCARTHY VAHEY, 133<sup>rd</sup>  
Dist.  
REP. PALM, 36<sup>th</sup> Dist.  
REP. HORN, 64<sup>th</sup> Dist.  
REP. LINEHAN, 103<sup>rd</sup> Dist.  
REP. WILSON PHEANIOUS, 53<sup>rd</sup>  
Dist.  
REP. SANTIAGO H., 84<sup>th</sup> Dist.

REP. HUGHES, 135<sup>th</sup> Dist.  
REP. ABERCROMBIE, 83<sup>rd</sup> Dist.  
REP. DATHAN, 142<sup>nd</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.  
REP. BARRY, 31<sup>st</sup> Dist.  
REP. PORTER, 94<sup>th</sup> Dist.  
REP. WALKER, 93<sup>rd</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> Dist.  
REP. ROSE, 118<sup>th</sup> Dist.  
REP. GARIBAY, 60<sup>th</sup> Dist.

To: Subst. House Bill No. 7070

File No. 753

Cal. No. 451

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2019*) As used in this section and  
4 sections 2 and 3 of this act:

5 (1) "Abortion" means the termination of a pregnancy for purposes

6 other than producing a live birth. "Abortion" includes, but is not  
7 limited to, a termination of a pregnancy using pharmacological agents;

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

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

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

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

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

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

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

36 prenatal care;

37 (9) "Pregnancy services center" means a facility, including a mobile  
38 facility, the primary purpose of which is to provide services to clients  
39 who are or have reason to believe they may be pregnant and that  
40 either (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy  
41 testing or diagnosis or prenatal care to pregnant clients, or (B) has the  
42 appearance of a medical facility by virtue of having two or more of the  
43 following factors present: (i) Staff or volunteers who wear medical  
44 attire and uniforms; (ii) one or more examination tables; (iii) a private  
45 or semiprivate room or area containing medical supplies or medical  
46 instruments; (iv) staff or volunteers who collect health information  
47 from clients; or (v) the facility is located on the same premises as a  
48 licensed health care facility or licensed health care provider or shares  
49 facility space with a licensed health care provider;

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

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

55 Sec. 2. (NEW) (*Effective July 1, 2019*) No limited services pregnancy  
56 center, with the intent to perform a pregnancy-related service, shall  
57 make or disseminate before the public, or cause to be made or  
58 disseminated before the public, in any newspaper or other publication,  
59 through any advertising device, or in any other manner, including, but  
60 not limited to, through use of the Internet, any statement concerning  
61 any pregnancy-related service or the provision of any pregnancy-  
62 related service that is deceptive, whether by statement or omission,  
63 and that a limited services pregnancy center knows or reasonably  
64 should know to be deceptive.

65 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may  
66 apply to any court of competent jurisdiction for injunctive relief to  
67 compel compliance with the provisions of section 2 of this act and

68 correct the effects of the deceptive advertising, provided the Attorney  
69 General gives written notice to the limited services pregnancy center in  
70 accordance with subsection (b) of this section. Any injunctive relief  
71 ordered by the court may include requiring the limited service  
72 pregnancy center to:

73 (1) Pay for and disseminate appropriate corrective advertising in the  
74 same form and using the same advertising device as used in the  
75 deceptive advertising;

76 (2) Post a remedial notice that corrects the effects of the deceptive  
77 advertising; or

78 (3) Provide such other narrowly-tailored relief as the court deems  
79 necessary to remedy the adverse effects of the deceptive advertising on  
80 any clients seeking pregnancy-related services.

81 (b) Prior to commencing an action pursuant to subsection (a) of this  
82 section, the Attorney General shall give written notice to the limited  
83 services pregnancy center of the violation of section 2 of this act and  
84 allow the limited services pregnancy center to cure such violation not  
85 later than ten days after receipt of the written notice. The Attorney  
86 General may file an action pursuant to subsection (a) of this section  
87 after such ten-day period if the limited services pregnancy center does  
88 not respond to the written notice or refuses to cure the violation of  
89 section 2 of this act.

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

95 (d) Nothing in this section shall prohibit the state or any political  
96 subdivision thereof from seeking any administrative, legal or equitable  
97 relief permitted by law, including, but not limited to, relief permitted  
98 by chapter 735a of the general statutes and the regulations adopted

99 thereunder."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section