



General Assembly

**Amendment**

January Session, 2019

LCO No. 7466



Offered by:

REP. DUBITSKY, 47<sup>th</sup> Dist.  
REP. FRANCE, 42<sup>nd</sup> Dist.  
REP. FISHBEIN, 90<sup>th</sup> Dist.  
REP. DAUPHINAIS, 44<sup>th</sup> Dist.  
REP. WILSON, 66<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.

REP. FUSCO, 81<sup>st</sup> Dist.  
REP. HAYES, 51<sup>st</sup> Dist.  
REP. LANOUE, 45<sup>th</sup> Dist.  
REP. MASTROFRANCESCO, 80<sup>th</sup>  
Dist.  
REP. PISCOPO, 76<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) "Client" means an individual who is inquiring about or seeking  
6 services at a pregnancy services center;

7 (2) "Clinical laboratory services" means the microbiological,  
8 serological, chemical, hematological, biophysical, cytological or  
9 pathological examination of materials derived from the human body  
10 for the purpose of obtaining information for the diagnosis, prevention

11 or treatment of disease or the assessment of a health condition;

12 (3) "Health information" means any oral or written information in  
13 any form or medium that relates to health insurance or the past,  
14 present or future physical or mental health or condition of a client;

15 (4) "Licensed health care provider" means a person licensed under  
16 the provisions of federal or state law to provide health care or other  
17 medical services;

18 (5) "Pregnancy-related service" means any medical or health  
19 counseling service related to pregnancy or pregnancy prevention,  
20 including, but not limited to, contraception and contraceptive  
21 counseling, pregnancy testing, pregnancy diagnosis, pregnancy  
22 options counseling, obstetric ultrasound, obstetric sonogram and  
23 prenatal care;

24 (6) "Pregnancy services center" means a facility, including a mobile  
25 facility, the primary purpose of which is to provide services to clients  
26 who are or may be pregnant and that either (A) offers obstetric  
27 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or  
28 prenatal care to pregnant clients, or (B) has the appearance of a  
29 medical facility by virtue of having two or more of the following  
30 factors present: (i) Staff or volunteers who wear medical attire and  
31 uniforms; (ii) one or more examination tables; (iii) a private or  
32 semiprivate room or area containing medical supplies or medical  
33 instruments; (iv) staff or volunteers who collect health information  
34 from clients; or (v) the facility is located on the same premises as a  
35 licensed health care facility or licensed health care provider or shares  
36 facility space with a licensed health care provider;

37 (7) "Premises" means land and improvements or appurtenances or  
38 any part thereof; and

39 (8) "Prenatal care" means services consisting of a physical  
40 examination, pelvic examination or clinical laboratory services  
41 provided to a client during pregnancy.

42       Sec. 2. (NEW) (*Effective July 1, 2019*) No pregnancy services center  
43 shall make or disseminate, or cause to be made or disseminated, in any  
44 newspaper or other publication, through any advertising device, or in  
45 any other manner, including, but not limited to, through use of the  
46 Internet, any statement concerning any pregnancy-related service or  
47 the provision of any pregnancy-related service (1) that is explicitly or  
48 implicitly false, misleading or deceptive or that a pregnancy services  
49 center reasonably should know to be explicitly or implicitly false,  
50 misleading or deceptive, or (2) with the intent not to perform such  
51 pregnancy-related service as explicitly or implicitly advertised.

52       Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may  
53 apply to any court of competent jurisdiction for injunctive relief to  
54 compel compliance with the provisions of section 2 of this act and  
55 correct the effects of the false, misleading or deceptive advertising,  
56 provided the Attorney General gives written notice to the pregnancy  
57 services center in accordance with subsection (b) of this section. Any  
58 injunctive relief ordered by the court under this section may require a  
59 pregnancy services center to take whatever remedial steps the court  
60 deems necessary to correct the effects of the false, misleading or  
61 deceptive advertising and to prevent further harm from occurring.  
62 Such steps may include requiring the pregnancy services center to:

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

66       (2) Post a remedial notice that corrects the effects of the false,  
67 misleading or deceptive advertising for clients entering the facility that  
68 may have seen the original false, misleading or deceptive  
69 advertisements, but have not seen any subsequent court-ordered  
70 corrective advertisements required under subdivision (1) of this  
71 subsection; or

72       (3) Provide such other relief as the court deems necessary to remedy  
73 the adverse effects of the false, misleading or deceptive advertising on

74 any clients seeking pregnancy-related services.

75 (b) Prior to commencing an action pursuant to subsection (a) of this  
76 section, the Attorney General shall give written notice to the  
77 pregnancy services center of the violation of section 2 of this act and  
78 allow the pregnancy services center to cure such violation not later  
79 than ten days after receipt of the written notice. The Attorney General  
80 may file an action pursuant to subsection (a) of this section after such  
81 ten-day period if the pregnancy services center does not respond to the  
82 written notice or refuses to cure the violation of section 2 of this act.

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

88 (d) Nothing in this section shall be construed as a limitation upon  
89 the power or authority of the state or any political subdivision thereof  
90 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, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section