



General Assembly

Amendment

January Session, 2019

LCO No. 7834



Offered by:

REP. FRANCE, 42nd Dist.
REP. FUSCO, 81st Dist.
REP. FISHBEIN, 90th Dist.
REP. DAUPHINAIS, 44th Dist.
REP. WILSON, 66th Dist.
REP. CANDELORA, 86th Dist.

REP. DUBITSKY, 47th Dist.
REP. HAYES, 51st Dist.
REP. LANOUE, 45th Dist.
REP. MASTROFRANCESCO, 80th Dist.
REP. PISCOPO, 76th 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) "Health information" means any oral or written information in
8 any form or medium that relates to health insurance or the past,
9 present or future physical or mental health or condition of a client;

10 (3) "Pregnancy-related service" means any medical or health
11 counseling service related to pregnancy or pregnancy prevention,
12 including, but not limited to, contraception and contraceptive
13 counseling, pregnancy testing, pregnancy diagnosis, pregnancy
14 options counseling, obstetric ultrasound, obstetric sonogram and
15 prenatal care;

16 (4) "Pregnancy services center" means a facility, including a mobile
17 facility, the primary purpose of which is to provide services to clients
18 who are or may be pregnant and that offers obstetric ultrasounds,
19 obstetric sonograms, pregnancy testing or diagnosis or prenatal care to
20 pregnant clients;

21 (5) "Premises" means land and improvements or appurtenances or
22 any part thereof; and

23 (6) "Prenatal care" means preventive health care, the goal of which is
24 to provide regular checkups to a patient to allow a physician or
25 midwife to treat and prevent potential health problems throughout the
26 course of the patient's pregnancy and to promote a healthy lifestyle
27 that benefits both the mother and child.

28 Sec. 2. (NEW) (*Effective July 1, 2019*) No pregnancy services center
29 shall make or disseminate, or cause to be made or disseminated, in any
30 newspaper or other publication, through any advertising device, or in
31 any other manner, including, but not limited to, through use of the
32 Internet, any statement concerning any pregnancy-related service or
33 the provision of any pregnancy-related service (1) that is explicitly or
34 implicitly false, misleading or deceptive or that a pregnancy services
35 center reasonably should know to be explicitly or implicitly false,
36 misleading or deceptive, or (2) with the intent not to perform such
37 pregnancy-related service as explicitly or implicitly advertised.

38 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may
39 apply to any court of competent jurisdiction for injunctive relief to
40 compel compliance with the provisions of section 2 of this act and
41 correct the effects of the false, misleading or deceptive advertising,

42 provided the Attorney General gives written notice to the pregnancy
43 services center in accordance with subsection (b) of this section. Any
44 injunctive relief ordered by the court under this section may require a
45 pregnancy services center to take whatever remedial steps the court
46 deems necessary to correct the effects of the false, misleading or
47 deceptive advertising and to prevent further harm from occurring.
48 Such steps may include requiring the pregnancy center to:

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

52 (2) Post a remedial notice that corrects the effects of the false,
53 misleading or deceptive advertising for clients entering the facility that
54 may have seen the original false, misleading or deceptive
55 advertisements, but have not seen any subsequent court-ordered
56 corrective advertisements required under subdivision (1) of this
57 subsection; or

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

61 (b) Prior to commencing an action pursuant to subsection (a) of this
62 section, the Attorney General shall give written notice to the
63 pregnancy services center of the violation of section 2 of this act and
64 allow the pregnancy services center to cure such violation not later
65 than ten days after receipt of the written notice. The Attorney General
66 may file an action pursuant to subsection (a) of this section after such
67 ten-day period if the pregnancy services center does not respond to the
68 written notice or refuses to cure the violation of section 2 of this act.

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

74 center has not violated any provision of section 2 of this act, the
75 pregnancy services center shall be entitled to recover reasonable
76 attorney's fees and costs.

77 (d) Nothing in this section shall be construed as a limitation upon
78 the power or authority of the state or any political subdivision thereof
79 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	July 1, 2019	New section
Sec. 2	July 1, 2019	New section
Sec. 3	July 1, 2019	New section