



General Assembly

January Session, 2019

Amendment

LCO No. 7862



Offered by:
REP. CANDELORA, 86th 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 provide referrals to clients for abortions or
30 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 may be pregnant and that either (A) offers obstetric
40 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or
41 prenatal care to pregnant clients, or (B) has the appearance of a
42 medical facility by virtue of having two or more of the following
43 factors present: (i) Staff or volunteers who wear medical attire and
44 uniforms; (ii) one or more examination tables; (iii) a private or

45 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;

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 (12) "Family planning clinic" means a facility licensed as a family
56 planning clinic by the Department of Public Health; and

57 (13) "Commissioner" means the Commissioner of Consumer
58 Protection.

59 Sec. 2. (NEW) (*Effective July 1, 2019*) No limited services pregnancy
60 center or family planning clinic shall make or disseminate, or cause to
61 be made or disseminated, in any newspaper or other publication,
62 through any advertising device, or in any other manner, including, but
63 not limited to, through use of the Internet, any statement concerning
64 any pregnancy-related service or the provision of any pregnancy-
65 related service (1) that is explicitly or implicitly false, misleading or
66 deceptive or that a limited services pregnancy center or family
67 planning clinic reasonably should know to be explicitly or implicitly
68 false, misleading or deceptive, or (2) with the intent not to perform
69 such pregnancy-related service as explicitly or implicitly advertised.

70 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Department of
71 Consumer Protection, upon a written, verified complaint of any person
72 concerning a violation of any provision of section 2 of this act, may
73 investigate such complaint. Upon a determination by the
74 commissioner that a limited services pregnancy center or family
75 planning clinic has violated a provision of section 2 of this act, the

76 commissioner may require a limited services pregnancy center or
77 family planning clinic to take whatever remedial steps the
78 commissioner deems necessary to correct the effects of the false,
79 misleading or deceptive advertising and to prevent further harm from
80 occurring. Such steps may include requiring the limited services
81 pregnancy center or family planning clinic to:

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

85 (2) Post a remedial notice that corrects the effects of the false,
86 misleading or deceptive advertising for clients entering the facility that
87 may have seen the original false, misleading or deceptive
88 advertisements, but have not seen any subsequent corrective
89 advertisements required under subdivision (1) of this subsection; or

90 (3) Provide such other relief as the commissioner deems necessary
91 to remedy the adverse effects of the false, misleading or deceptive
92 advertising on any clients seeking pregnancy-related services.

93 (b) Prior to issuing a corrective remedial action or civil penalty
94 under this section, the commissioner shall give notice and afford an
95 opportunity for a hearing in accordance with chapter 54 of the general
96 statutes.

97 (c) Upon a finding by the commissioner that a limited services
98 pregnancy center or family planning clinic has violated any provision
99 of section 2 of this act, the state shall be entitled to recover civil
100 penalties of not less than fifty dollars and not more than five hundred
101 dollars per violation.

102 (d) Nothing in this section shall be construed as a limitation upon
103 the power or authority of the state or any political subdivision thereof
104 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