



General Assembly

January Session, 2019

Amendment

LCO No. 8087



Offered by:

REP. LANOUE, 45th Dist.
REP. DAUPHINAIS, 44th Dist.
REP. FRANCE, 42nd Dist.
REP. FISHBEIN, 90th Dist.
REP. WILSON, 66th Dist.
REP. CANDELORA, 86th Dist.

REP. DUBITSKY, 47th Dist.
REP. FUSCO, 81st Dist.
REP. HAYES, 51st 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) "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) "Pregnancy-related service" means any medical or health
29 counseling service related to pregnancy or pregnancy prevention,
30 including, but not limited to, contraception and contraceptive
31 counseling, pregnancy testing, pregnancy diagnosis, pregnancy
32 options counseling, obstetric ultrasound, obstetric sonogram and
33 prenatal care;

34 (8) "Pregnancy services center" means a facility, including a mobile
35 facility, the primary purpose of which is to provide services to clients
36 who are or may be pregnant, whether or not such facility provides
37 referrals to clients for abortions or emergency contraception, and that
38 either (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy
39 testing or diagnosis or prenatal care to pregnant clients, or (B) has the
40 appearance of a medical facility by virtue of having two or more of the
41 following factors present: (i) Staff or volunteers who wear medical

42 attire and uniforms; (ii) one or more examination tables; (iii) a private
43 or semiprivate room or area containing medical supplies or medical
44 instruments; (iv) staff or volunteers who collect health information
45 from clients; or (v) the facility is located on the same premises as a
46 licensed health care facility or licensed health care provider or shares
47 facility space with a licensed health care provider;

48 (9) "Premises" means land and improvements or appurtenances or
49 any part thereof;

50 (10) "Prenatal care" means services consisting of a physical
51 examination, pelvic examination or clinical laboratory services
52 provided to a client during pregnancy; and

53 (11) "Commissioner" means the Commissioner of Consumer
54 Protection.

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

65 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Department of
66 Consumer Protection, upon a written, verified complaint of any person
67 concerning a violation of any provision of section 2 of this act, may
68 investigate such complaint. Upon a determination by the
69 commissioner that a pregnancy services center has violated a provision
70 of section 2 of this act, the commissioner may require a pregnancy
71 services center to take whatever remedial steps the commissioner
72 deems necessary to correct the effects of the false, misleading or
73 deceptive advertising and to prevent further harm from occurring.

74 Such steps may include requiring the pregnancy services center to:

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

78 (2) Post a remedial notice that corrects the effects of the false,
79 misleading or deceptive advertising for clients entering the facility that
80 may have seen the original false, misleading or deceptive
81 advertisements, but have not seen any subsequent corrective
82 advertisements required under subdivision (1) of this subsection; or

83 (3) Provide such other relief as the commissioner deems necessary
84 to remedy the adverse effects of the false, misleading or deceptive
85 advertising on any clients seeking services, including, but not limited
86 to, pregnancy-related services.

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

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

95 (d) Nothing in this section shall be construed as a limitation upon
96 the power or authority of the state or any political subdivision thereof
97 to seek any administrative, legal or equitable relief permitted by law.

98 (e) Any pregnancy services center aggrieved by any decision or
99 order made or issued by the commissioner under this section may
100 appeal such order or decision in accordance with section 4-183 of the
101 general statutes."

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