



General Assembly

**Amendment**

January Session, 2019

LCO No. 8157



Offered by:

REP. MASTROFRANCESCO, 80 <sup>th</sup> Dist.	REP. DUBITSKY, 47 <sup>th</sup> Dist.
REP. FRANCE, 42 <sup>nd</sup> Dist.	REP. FUSCO, 81 <sup>st</sup> Dist.
REP. FISHBEIN, 90 <sup>th</sup> Dist.	REP. HAYES, 51 <sup>st</sup> Dist.
REP. DAUPHINAIS, 44 <sup>th</sup> Dist.	REP. LANOUE, 45 <sup>th</sup> Dist.
REP. WILSON, 66 <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 to 4, inclusive, 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; 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 shall make or disseminate, or cause to be made or disseminated,  
57 in any newspaper or other publication, through any advertising  
58 device, or in any other manner, including, but not limited to, through  
59 use of the Internet, any statement concerning any pregnancy-related  
60 service or the provision of any pregnancy-related service (1) that is  
61 explicitly or implicitly false, misleading or deceptive or that a limited  
62 services pregnancy center reasonably should know to be explicitly or  
63 implicitly false, misleading or deceptive, or (2) with the intent not to  
64 perform such pregnancy-related service as explicitly or implicitly  
65 advertised.

66 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may  
67 apply to any court of competent jurisdiction for injunctive relief to  
68 compel compliance with the provisions of section 2 of this act and  
69 correct the effects of the false, misleading or deceptive advertising,  
70 provided the Attorney General gives written notice to the limited  
71 services pregnancy center in accordance with subsection (b) of this  
72 section. Any injunctive relief ordered by the court under this section  
73 may require a limited services pregnancy center to take whatever

74 remedial steps the court deems necessary to correct the effects of the  
75 false, misleading or deceptive advertising and to prevent further harm  
76 from occurring. Such steps may include requiring the limited service  
77 pregnancy center to:

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

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

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

90 (b) Prior to commencing an action pursuant to subsection (a) of this  
91 section, the Attorney General shall give written notice to the limited  
92 services pregnancy center of the violation of section 2 of this act and  
93 allow the limited services pregnancy center to cure such violation not  
94 later than ten days after receipt of the written notice. The Attorney  
95 General may file an action pursuant to subsection (a) of this section  
96 after such ten-day period if the limited services pregnancy center does  
97 not respond to the written notice or refuses to cure the violation of  
98 section 2 of this act.

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

104 (d) Nothing in this section shall be construed as a limitation upon

105 the power or authority of the state or any political subdivision thereof  
106 to seek any administrative, legal or equitable relief permitted by law.

107 Sec. 4. (NEW) (*Effective July 1, 2019*) Notwithstanding the provisions  
108 of sections 19a-600 and 19a-601 of the general statutes, no pregnancy  
109 services center shall perform an abortion, provide emergency  
110 contraception or provide a referral for an abortion or emergency  
111 contraception to a person under eighteen years of age without  
112 notifying the parent or guardian of such person that such person is  
113 seeking an abortion or emergency contraception, provided such person  
114 may seek and receive court approval to obtain an abortion or  
115 emergency contraception without notification to a parent or guardian  
116 through an expedited proceeding which ensures such person's  
117 anonymity."

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
Sec. 4	<i>July 1, 2019</i>	New section