



General Assembly

**Amendment**

January Session, 2019

LCO No. 8915



Offered by:  
REP. PETIT, 22<sup>nd</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) "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. A limited services pregnancy center may post or  
66 disseminate, or cause to be posted or disseminated, (1) a list of all  
67 services it provides, (2) a list of all services it does not provide, (3) a list  
68 of the services for which it makes referrals, and (4) a list of the services  
69 for which it does not make referrals.

70 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Commissioner of  
71 Consumer Protection may apply to any court of competent jurisdiction  
72 for injunctive relief to compel compliance with the provisions of  
73 section 2 of this act and correct the effects of the false, misleading or  
74 deceptive advertising, provided the commissioner gives written notice  
75 to the limited services pregnancy center in accordance with subsection  
76 (b) of this section. Any injunctive relief ordered by the court under this

77 section may require a limited services pregnancy center to take  
78 whatever remedial steps the court deems necessary to correct the  
79 effects of the false, misleading or deceptive advertising and to prevent  
80 further harm from occurring. Such steps may include requiring the  
81 limited services pregnancy center 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 court-ordered  
89 corrective advertisements required under subdivision (1) of this  
90 subsection; or

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

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

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

108 (d) Nothing in this section shall be construed as a limitation upon  
109 the power or authority of the state or any political subdivision thereof  
110 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