



General Assembly

Amendment

January Session, 2019

LCO No. 8925



Offered by:
REP. PETIT, 22nd Dist.

To: Subst. House Bill No. 7070

File No. 753

Cal. No. 451

(As Amended)

**"AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES
OF LIMITED SERVICES PREGNANCY CENTERS."**

- 1 Strike section 2 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 2. (NEW) (Effective July 1, 2019) No limited services pregnancy
3 center shall make or disseminate, or cause to be made or disseminated,
4 in any newspaper or other publication, through any advertising
5 device, or in any other manner, including, but not limited to, through
6 use of the Internet, any statement concerning any pregnancy-related
7 service or the provision of any pregnancy-related service (1) that is
8 explicitly or implicitly false, misleading or deceptive or that a limited
9 services pregnancy center reasonably should know to be explicitly or
10 implicitly false, misleading or deceptive, or (2) with the intent not to
11 perform such pregnancy-related service as explicitly or implicitly
12 advertised. A limited services pregnancy center may post or
13 disseminate, or cause to be posted or disseminated, (A) a list of all
14 services it provides, (B) a list of all services it does not provide, (C) a

15 list of the services for which it makes referrals, and (D) a list of the
16 services for which it does not make referrals."

17 Strike subsections (a) and (b) of section 3 in their entirety and insert
18 the following in lieu thereof:

19 "(a) The Commissioner of Consumer Protection may apply to any
20 court of competent jurisdiction for injunctive relief to compel
21 compliance with the provisions of section 2 of this act and correct the
22 effects of the false, misleading or deceptive advertising, provided the
23 commissioner gives written notice to the limited services pregnancy
24 center in accordance with subsection (b) of this section. Any injunctive
25 relief ordered by the court under this section may require a limited
26 services pregnancy center to take whatever remedial steps the court
27 deems necessary to correct the effects of the false, misleading or
28 deceptive advertising and to prevent further harm from occurring.
29 Such steps may include requiring the limited services pregnancy
30 center to:

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

34 (2) Post a remedial notice that corrects the effects of the false,
35 misleading or deceptive advertising for clients entering the facility that
36 may have seen the original false, misleading or deceptive
37 advertisements, but have not seen any subsequent court-ordered
38 corrective advertisements required under subdivision (1) of this
39 subsection; or

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

43 (b) Prior to commencing an action pursuant to subsection (a) of this
44 section, the commissioner shall give written notice to the limited
45 services pregnancy center of the violation of section 2 of this act and

46 allow the limited services pregnancy center to cure such violation not
47 later than ten days after receipt of the written notice. The
48 commissioner may file an action pursuant to subsection (a) of this
49 section after such ten-day period if the limited services pregnancy
50 center does not respond to the written notice or refuses to cure the
51 violation of section 2 of this act."