



General Assembly

Amendment

January Session, 2019

LCO No. 10947



Offered by:

SEN. FASANO, 34th Dist.
SEN. CHAMPAGNE, 35th Dist.
SEN. MARTIN, 31st Dist.
SEN. SAMPSON, 16th Dist.

To: Subst. House Bill No. 7070

File No. 936

Cal. No. 542

(As Amended)

**"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) "Client" means an individual who is inquiring about or seeking
6 services at a pregnancy services center;

7 (2) "Health information" means any oral or written information in
8 any form or medium that relates to health insurance or the past,
9 present or future physical or mental health or condition of a client;

10 (3) "Pregnancy-related service" means any medical or health
11 counseling service related to pregnancy or pregnancy prevention,
12 including, but not limited to, contraception and contraceptive
13 counseling, pregnancy testing, pregnancy diagnosis, pregnancy
14 options counseling, obstetric ultrasound, obstetric sonogram and
15 prenatal care;

16 (4) "Pregnancy services center" means a facility, including a mobile
17 facility, the primary purpose of which is to provide services to clients
18 who are or may be pregnant and that offers obstetric ultrasounds,
19 obstetric sonograms, pregnancy testing or diagnosis or prenatal care to
20 pregnant clients;

21 (5) "Premises" means land and improvements or appurtenances or
22 any part thereof; and

23 (6) "Prenatal care" means preventive health care, the goal of which is
24 to provide regular checkups to a patient to allow a physician or
25 midwife to treat and prevent potential health problems throughout the
26 course of the patient's pregnancy and to promote a healthy lifestyle
27 that benefits both the mother and child.

28 Sec. 2. (NEW) (*Effective July 1, 2019*) No pregnancy services center,
29 with the intent to perform a pregnancy-related service, shall make or
30 disseminate before the public, or cause to be made or disseminated
31 before the public, in any newspaper or other publication, through any
32 advertising device, or in any other manner, including, but not limited
33 to, through use of the Internet, any statement concerning any
34 pregnancy-related service or the provision of any pregnancy-related
35 service that is deceptive, whether by statement or omission, and that a
36 pregnancy services center knows or reasonably should know to be
37 deceptive.

38 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may
39 apply to any court of competent jurisdiction for injunctive relief to
40 compel compliance with the provisions of section 2 of this act and
41 correct the effects of the deceptive advertising, provided the Attorney

42 General gives written notice to the pregnancy services center in
43 accordance with subsection (b) of this section. Any injunctive relief
44 ordered by the court may include requiring the pregnancy services
45 center to:

46 (1) Pay for and disseminate appropriate corrective advertising in the
47 same form and using the same advertising device as used in the
48 deceptive advertising;

49 (2) Post a remedial notice that corrects the effects of the deceptive
50 advertising; or

51 (3) Provide such other narrowly-tailored relief as the court deems
52 necessary to remedy the adverse effects of the deceptive advertising on
53 any clients seeking pregnancy-related services.

54 (b) Prior to commencing an action pursuant to subsection (a) of this
55 section, the Attorney General shall give written notice to the
56 pregnancy services center of the violation of section 2 of this act and
57 allow the pregnancy services center to cure such violation not later
58 than ten days after receipt of the written notice. The Attorney General
59 may file an action pursuant to subsection (a) of this section after such
60 ten-day period if the pregnancy services center does not respond to the
61 written notice or refuses to cure the violation of section 2 of this act.

62 (c) Upon a finding by the court that a pregnancy services center has
63 violated any provision of section 2 of this act, the state shall be entitled
64 to recover (1) civil penalties of not less than fifty dollars and not more
65 than five hundred dollars per violation, and (2) reasonable attorney's
66 fees and costs. Upon a finding by the court that a pregnancy services
67 center has not violated any provision of section 2 of this act, the
68 pregnancy services center shall be entitled to recover reasonable
69 attorney's fees and costs.

70 (d) Nothing in this section shall prohibit the state or any political
71 subdivision thereof from seeking any administrative, legal or equitable
72 relief permitted by law, including, but not limited to, relief permitted

73 by chapter 735a of the general statutes and the regulations adopted
74 thereunder."

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