

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) As used in this section and  
2 sections 2 and 3 of this act, the following terms shall have the  
3 following meanings:

4 (1) "Abortion" means the termination of a pregnancy for purposes  
5 other than producing a live birth. "Abortion" includes, but is not  
6 limited to, a termination of a pregnancy using pharmacological agents;

7 (2) "Client" means an individual who is inquiring about or seeking  
8 services at a pregnancy services center;

9 (3) "Clinical laboratory services" means the microbiological,  
10 serological, chemical, hematological, biophysical, cytological or  
11 pathological examination of materials derived from the human body  
12 for the purpose of obtaining information for the diagnosis, prevention  
13 or treatment of disease or the assessment of a health condition;

14 (4) "Emergency contraception" means one or more prescription  
15 drugs (A) used separately or in combination for the purpose of  
16 preventing pregnancy, (B) administered to or self-administered by a  
17 patient within a medically recommended amount of time after sexual  
18 intercourse, (C) dispensed for such purpose in accordance with  
19 professional standards of practice, and (D) determined by the United  
20 States Food and Drug Administration to be safe for such purpose;

21 (5) "Health information" means any oral or written information in  
22 any form or medium that relates to health insurance or the past,  
23 present or future physical or mental health or condition of a client;

24 (6) "Licensed health care provider" means a person licensed under  
25 the provisions of federal or state law to provide health care or other  
26 medical services;

27 (7) "Limited services pregnancy center" means a pregnancy services  
28 center that does not provide referrals to clients for abortions or  
29 emergency contraception;

30 (8) "Pregnancy-related service" means any medical or health  
31 counseling service related to pregnancy or pregnancy prevention,  
32 including, but not limited to, contraception and contraceptive  
33 counseling, pregnancy testing, pregnancy diagnosis, pregnancy  
34 options counseling, obstetric ultrasound, obstetric sonogram and  
35 prenatal care;

36 (9) "Pregnancy services center" means a facility, including a mobile  
37 facility, the primary purpose of which is to provide services to clients  
38 who are or may be pregnant and that either (A) offers obstetric  
39 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or  
40 prenatal care to pregnant clients, or (B) has the appearance of a  
41 medical facility by virtue of having two or more of the following  
42 factors present: (i) Staff or volunteers who wear medical attire and  
43 uniforms; (ii) one or more examination tables; (iii) a private or  
44 semiprivate room or area containing medical supplies or medical  
45 instruments; (iv) staff or volunteers who collect health information  
46 from clients; or (v) the facility is located on the same premises as a  
47 licensed health care facility or licensed health care provider or shares  
48 facility space with a licensed health care provider;

49 (10) "Premises" means land and improvements or appurtenances or  
50 any part thereof; and

51 (11) "Prenatal care" means services consisting of a physical  
52 examination, pelvic examination or clinical laboratory services  
53 provided to a client during pregnancy.

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

65 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may  
66 apply to any court of competent jurisdiction for injunctive relief to  
67 compel compliance with the provisions of section 2 of this act and  
68 correct the effects of the false, misleading or deceptive advertising,  
69 provided the Attorney General gives written notice to the limited  
70 services pregnancy center in accordance with subsection (b) of this  
71 section. Any injunctive relief ordered by the court under this section  
72 may require a limited services pregnancy center to take whatever  
73 remedial steps the court deems necessary to correct the effects of the  
74 false, misleading or deceptive advertising and to prevent further harm  
75 from occurring. Such steps may include requiring the limited service  
76 pregnancy center to:

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

80 (2) Post a remedial notice that corrects the effects of the false,  
81 misleading or deceptive advertising for clients entering the facility that  
82 may have seen the original false, misleading or deceptive

83 advertisements, but have not seen any subsequent court-ordered  
84 corrective advertisements required under subdivision (1) of this  
85 subsection; or

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

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

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

103 (d) Nothing in this section shall be construed as a limitation upon  
104 the power or authority of the state or any political subdivision thereof  
105 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