

February 9, 2021

To Members of the Committee on Public Health
in the Connecticut General Assembly

RE: Raised Bill 835

Dear Legislators;

I am writing as a private citizen to voice my opposition to Raised Bill No. 835, which is deceptively titled “An Act Concerning [alleged] Deceptive Advertising Practice of Limited Services Pregnancy Centers.”

(It is extremely ironic that a piece of proposed legislation which pretends to be against deceptive practices in any business activity would itself be so deceptively worded, but it is. I’ll have more to say on that topic, later.)

1. This proposed piece of legislation unfairly and unequally targets pregnancy centers which do not perform or refer women for abortions. It is, therefore, constitutionally defective as violating the Equal Protection Clause of the United States Constitution. This constitutional defect might be easily remedied if the proposed Act were modified to apply not only to so-called “limited services pregnancy centers,” but to all so-called “pregnancy services centers,” including those that provide or refer for abortions. To do so, however, would defeat the thinly disguised purpose of this vile proposal, which is to put Pro-Life pregnancy centers out of business.

By the way, “emergency contraception,” as deceptively defined in Section 1(4), is nothing other than a chemical abortion. Note that there is no definition of “pregnancy” in the proposed Act, because such a definition would have to admit the scientific fact that pregnancy occurs at the moment of conception, when the woman’s egg and the man’s sperm are united.

2. This bill is unnecessary, because there already exists in Connecticut law a highly effective and well tested statutory remedy for addressing deceptive advertising practices. It is the Connecticut Unfair Trade Practices Act, commonly known as CUTPA, which is codified in Sections 42-110a to 110 of the General Statutes, and which is referenced in Section (d) of the proposed Act as Chapter 735a. The Unfair Trade Practices Act not only allows private citizens and affected businesses to sue for damages and injunctive relief, but it also empowers the Commissioner of Consumer Protection to take action in certain circumstances. What CUTPA does not do is give unlimited discretion to the Attorney General to take politically motivated punitive action against group of citizens with whom he may disagree, as this bill would do.

There has been no persuasive evidence of any need for a separate piece of legislation such as this to address alleged deceptive advertising in the narrow field of pregnancy services. The statement of legislative intent in the Unfair Trade Practices Act, Section 42-110b(a) is broad enough to prohibit all forms of unfair and deceptive acts or practices in the conduct of any trade or commerce, including deceptive advertising by non-profit entities. Moreover, the Commissioner of Consumer Protection is empowered, in Section 42-110b(c) of the Unfair Trade Practices Act, to establish by regulation acts, practices or methods which shall be deemed to be unfair or deceptive. If there were any actual deceptive advertising by Pro-Life Pregnancy Care Centers, it could have been the subject of complaints to the Department of Consumer Protection. I inquired, last year at this time, and was told that there were no such complaints.

3. As stated above, this bill is itself deceptive in its title, its definitions and in its intent. For example, the definition of “pregnancy services center” in Section 1(9) goes out of its way to elaborately describe the physical appearance and some of the services which may be available in a facility without ever referring to the client as a woman or the reason for her pregnancy as a child. Also, the definition of “prenatal care” in Section 1(11) carefully describes the services provided to a “client” while deliberately avoiding any mention that the patient who is commonly understood to be the recipient of *prenatal* care or for whom such *prenatal* care is commonly understood to be provided is a *pre-born* child. All of this elaborate deception is to serve the interests of the abortion industry by dehumanizing their victims, and for no other reason.

4. If the truth be told, the abortion industry is the biggest deceiver of all. They use the word “choice” as a slogan, but they do not offer women the choice of keeping her child nor do they offer any help in carrying her baby to term. They regularly perform ultra-sound imaging of the child in the woman’s womb, but they do not show the image to the mother, because they know that if she sees her own child alive, she may have second thoughts about disposing of it like so much medical waste. If the Public Health Committee of the Connecticut General Assembly truly wants to rub out deception in the field of so-called “pregnancy services,” they should enact a law that makes abortion service providers and accountable for their deceptive practices. Such law should, of course, be even-haned, making both Pro-Life Pregnancy Care Centers and abortion providers and referral services accountable on the same basis. If such a law were passed, however, it would most likely be challenged in court by the abortion industry, wouldn’t it? You know it would.

5. Indeed, this proposed law, if passed, and almost any action taken under it by the Attorney General, would inevitably be challenged in court, and would most likely be struck down as violating a number of constitutional principles. So why even propose it? The reason is simple: It is because the abortion industry and their agents think they can bankrupt the Pro-Life Pregnancy Centers by tying them up in endless, expensive litigation. This is the thinly disguised purpose of

this flawed bill. Why else would anyone propose a bill that blatantly targets only the opponents of abortion on demand?

I ask the members of the Public Health Committee to vote this bill down and not allow it to be raised again.

Respectfully,

Robert J. Hale Jr.