

Jennifer O'Neill

SB 835

An Act Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers

Dear Members of the Public Health Committee:

Women deserve better. I urge you to vote no to SB 835 An Act Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers.

My name is Jennifer O'Neill. I am an attorney who lives and works in Middletown. Much of my law practice is dedicated to assisting immigrants. I chose Middletown for my office in part because of the various social services available to those in need. The community bands together on many levels to assist one another. We have a wonderful food pantry and soup kitchen, a community health center, a women's shelter, and a pregnancy care center.

Pregnancy care centers provide vital support to those who need help in facing a pregnancy. I am grateful that there is a resource in Middletown that can assist people like my clients who often are not eligible for government social services or even work authorization. The ABC Center offers free help not only in education, but in tangible support such as clothing and diapers. Given the economic fall out of the pandemic, such needs are only likely to increase.

The language of SB 835 clarifies that the legislation is punitive in nature<sup>1</sup> and targets only those centers that assist a pregnant woman in any way outside of abortion or emergency contraception<sup>2</sup>. Why does the punitive legislation not include those centers that provide abortion, abortion referrals or emergency contraception? The only possible conclusion is that this proposed bill is about the issue of abortion, and not, in reality, about protecting women from deceptive practices.

**As such, SB 835 will only further the horrible division that exists in our country. Connecticut prides itself on being a place of diversity and inclusion. This must also reach to the diversity of perspectives. We all have a responsibility to do what we can to stop the growing divisions in our country. This legislation in effect targets proponents of life and, as a result, will only further the polarization and undermine any semblance of peace we have in Connecticut.**

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<sup>1</sup> Sec. 3. sets forth a list of penalties which a pregnancy care center could face when the Attorney General, according to a unilateral subjective determination of "deceptive advertising" commences an action for injunctive relief. They include among others 1) paying for and disseminating "corrective advertising"; 2) posting remedial notices; 3) "other narrowly tailored relief as the court deems necessary to remedy the adverse effects of the deceptive advertising"; and 4) civil penalties up to \$500 per violation.

<sup>2</sup> Section 1(7) provides, "'Limited services pregnancy center' means a pregnancy services center that does not directly provide or provide referrals for abortions or emergency contraception."

I question how this proposed legislation is different in effect from laws which target the prochoice perspective. Consider, for instance, Arizona HB 2650, which would criminalize abortion? The proposed Arizona legislation does not help women, but only hurts women who seek an abortion. Similarly, SB 835 would not help women who seek the support of a pregnancy care center, but rather would undermine the very existence of those centers. Both pieces of proposed legislation are attempts at stifling the opposing viewpoint and, in effect, limiting a woman's choices. **How is using legislation as a weapon to target those with viewpoints different from our own of benefit to women, to our society? This tactic deepens bitterness and resentment, which manifests as social unrest, and dangerous and potentially deadly polarization. This is the reality within which we currently live.**

Government efforts similar to SB 835 which sought to target pregnancy centers have failed after costly litigation which spanned the course of many years. And perhaps most significantly, they deepened the divide and alienation within our country. *Greater Baltimore Center for Pregnancy Concerns, Inc. v. Mayor of Baltimore*, 879 F.3d 10, 113 (4th Cir. 2018) is such a case. Litigation over the constitutionality of the city ordinance at issue did not cease until nine years after its passage. In striking down the ordinance, the 4th Circuit stated,

**The abortion debate in our country has a long and bitter history. Vast disagreement on the merits has led both sides to retributive speech restrictions and compulsions.** *See, e.g., Stuart*, 774 F.3d at 242. ...

**Weaponizing the means of government against ideological foes risks a grave violation of one of our nation's dearest principles: "that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."** *Barnette*, 319 U.S. at 642, 63 S.Ct. 1178. It may be too much to hope that despite their disagreement, pro-choice and pro-life advocates can respect each other's dedication and principle. But, at least in this case, as in *Stuart*, it is not too much to ask that they lay down the arms of compelled speech and wield only the tools of persuasion. The First Amendment requires it.

Choice for women by definition means that there are in fact options. SB 835 eliminates choice as a pregnancy care center could not exist under the constant threat of litigation and penalties.

It is time to put an end to "weaponizing the means of government," to the political war of winner and loser, to pitting one side against the other, to the us against them mentality. We have to find a way to work together.

**I urge you to put your energy into a more fruitful endeavor than supporting SB 835. I ask you to establish a taskforce of prochoice and prolife leaders. The reality is that both sides genuinely want to help women. Bring both sides together to find a way to build bridges and propose effective solutions for women.**

I am grateful for your service to the people of our state. I ask that you exercise the authority entrusted to you in favor of real choices, in favor of diversity and in favor of bringing our state together rather than further dividing us. We are in desperate need of our government officials leading us in this endeavor. I urge you to vote no to SB 835. Women deserve this.

Respectfully submitted,  
Jennifer O'Neill, Esq.