



General Assembly

January Session, 2021

Raised Bill No. 835

LCO No. 2758



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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, 2021*) As used in this section and
2 sections 2 and 3 of this act:

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

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

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

13 (4) "Emergency contraception" means one or more prescription drugs

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

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

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

26 (7) "Limited services pregnancy center" means a pregnancy services
27 center that does not directly provide, or provide referrals for, abortions
28 or emergency contraception;

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

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

45 health care facility or licensed health care provider or shares facility
46 space with a licensed health care provider;

47 (10) "Premises" means land and improvements or appurtenances or
48 any part thereof; and

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

52 Sec. 2. (NEW) (*Effective July 1, 2021*) No limited services pregnancy
53 center, with the intent to perform a pregnancy-related service, shall
54 make or disseminate before the public, or cause to be made or
55 disseminated before the public, in any newspaper or other publication,
56 through any advertising device, or in any other manner, including, but
57 not limited to, through use of the Internet, any statement concerning any
58 pregnancy-related service or the provision of any pregnancy-related
59 service that is deceptive, whether by statement or omission, and that a
60 limited services pregnancy center knows or reasonably should know to
61 be deceptive.

62 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) The Attorney General may
63 apply to any court of competent jurisdiction for injunctive relief to
64 compel compliance with the provisions of section 2 of this act and
65 correct the effects of the deceptive advertising, provided the Attorney
66 General gives written notice to the limited services pregnancy center in
67 accordance with subsection (b) of this section. Any injunctive relief
68 ordered by the court may include requiring the limited service
69 pregnancy center to:

70 (1) Pay for and disseminate appropriate corrective advertising in the
71 same form and using the same advertising device as used in the
72 deceptive advertising;

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

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

78 (b) Prior to commencing an action pursuant to subsection (a) of this
79 section, the Attorney General shall give written notice to the limited
80 services pregnancy center of the violation of section 2 of this act and
81 allow the limited services pregnancy center to cure such violation not
82 later than ten days after receipt of the written notice. The Attorney
83 General may file an action pursuant to subsection (a) of this section after
84 such ten-day period if the limited services pregnancy center does not
85 respond to the written notice or refuses to cure the violation of section 2
86 of this act.

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

92 (d) Nothing in this section shall prohibit the state or any political
93 subdivision thereof from seeking any administrative, legal or equitable
94 relief permitted by law, including, but not limited to, relief permitted by
95 chapter 735a of the general statutes and the regulations adopted
96 thereunder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section

PH *Joint Favorable*