



General Assembly

Amendment

January Session, 2021

LCO No. 8866



Offered by:

REP. FISHBEIN, 90th Dist.

REP. LANOUE, 45th Dist.

To: Senate Bill No. 835

File No. 38

Cal. No. 453

**"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, 2021*) 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) "Clinical laboratory services" means the microbiological,
8 serological, chemical, hematological, biophysical, cytological or
9 pathological examination of materials derived from the human body for
10 the purpose of obtaining information for the diagnosis, prevention or
11 treatment of disease or the assessment of a health condition;

12 (3) "Health information" means any oral or written information in any
13 form or medium that relates to health insurance or the past, present or

14 future physical or mental health or condition of a client;

15 (4) "Licensed health care provider" means a person licensed under the
16 provisions of federal or state law to provide health care or other medical
17 services;

18 (5) "Pregnancy-related service" means any medical or health
19 counseling service related to pregnancy or pregnancy prevention,
20 including, but not limited to, contraception and contraceptive
21 counseling, pregnancy testing, pregnancy diagnosis, pregnancy options
22 counseling, obstetric ultrasound, obstetric sonogram and prenatal care;

23 (6) "Pregnancy services center" means a facility, including a mobile
24 facility, the primary purpose of which is to provide services to clients
25 who are or may be pregnant and that either (A) offers obstetric
26 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or
27 prenatal care to pregnant clients, or (B) has the appearance of a medical
28 facility by virtue of having two or more of the following factors present:
29 (i) Staff or volunteers who wear medical attire and uniforms; (ii) one or
30 more examination tables; (iii) a private or semiprivate room or area
31 containing medical supplies or medical instruments; (iv) staff or
32 volunteers who collect health information from clients; or (v) the facility
33 is located on the same premises as a licensed health care facility or
34 licensed health care provider or shares facility space with a licensed
35 health care provider;

36 (7) "Premises" means land and improvements or appurtenances or
37 any part thereof; and

38 (8) "Prenatal care" means services consisting of a physical
39 examination, pelvic examination or clinical laboratory services
40 provided to a client during pregnancy.

41 Sec. 2. (NEW) (*Effective July 1, 2021*) No pregnancy services center
42 shall make or disseminate, or cause to be made or disseminated, in any
43 newspaper or other publication, through any advertising device, or in
44 any other manner, including, but not limited to, through use of the

45 Internet, any statement concerning any pregnancy-related service or the
46 provision of any pregnancy-related service (1) that is explicitly or
47 implicitly false, misleading or deceptive or that a pregnancy services
48 center reasonably should know to be explicitly or implicitly false,
49 misleading or deceptive, or (2) with the intent not to perform such
50 pregnancy-related service as explicitly or implicitly advertised.

51 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) The Attorney General may
52 apply to any court of competent jurisdiction for injunctive relief to
53 compel compliance with the provisions of section 2 of this act and
54 correct the effects of the false, misleading or deceptive advertising,
55 provided the Attorney General gives written notice to the pregnancy
56 services center in accordance with subsection (b) of this section. Any
57 injunctive relief ordered by the court under this section may require a
58 pregnancy services center to take whatever remedial steps the court
59 deems necessary to correct the effects of the false, misleading or
60 deceptive advertising and to prevent further harm from occurring. Such
61 steps may include requiring the pregnancy services center to:

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

65 (2) Post a remedial notice that corrects the effects of the false,
66 misleading or deceptive advertising for clients entering the facility that
67 may have seen the original false, misleading or deceptive
68 advertisements, but have not seen any subsequent court-ordered
69 corrective advertisements required under subdivision (1) of this
70 subsection; or

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

74 (b) Prior to commencing an action pursuant to subsection (a) of this
75 section, the Attorney General shall give written notice to the pregnancy
76 services center of the violation of section 2 of this act and allow the

77 pregnancy services center to cure such violation not later than ten days
78 after receipt of the written notice. The Attorney General may file an
79 action pursuant to subsection (a) of this section after such ten-day period
80 if the pregnancy services center does not respond to the written notice
81 or refuses to cure the violation of section 2 of this act.

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

87 (d) Nothing in this section shall be construed as a limitation upon the
88 power or authority of the state or any political subdivision thereof to
89 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, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section