



General Assembly

**Amendment**

January Session, 2021

LCO No. 8869



Offered by:

REP. CARPINO, 32<sup>nd</sup> Dist.

REP. PETIT, 22<sup>nd</sup> 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 have reason to believe they may be pregnant and that either  
26 (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy testing  
27 or diagnosis or prenatal care to pregnant clients, or (B) has the  
28 appearance of a medical facility by virtue of having two or more of the  
29 following factors present: (i) Staff or volunteers who wear medical attire  
30 and uniforms; (ii) one or more examination tables; (iii) a private or  
31 semiprivate room or area containing medical supplies or medical  
32 instruments; (iv) staff or volunteers who collect health information from  
33 clients; or (v) the facility is located on the same premises as a licensed  
34 health care facility or licensed health care provider or shares facility  
35 space with a licensed 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 with the intent to perform a pregnancy-related service, shall make or  
43 disseminate before the public, or cause to be made or disseminated  
44 before the public, in any newspaper or other publication, through any

45 advertising device, or in any other manner, including, but not limited  
46 to, through use of the Internet, any statement concerning any  
47 pregnancy-related service or the provision of any pregnancy-related  
48 service that is deceptive, whether by statement or omission, and that a  
49 pregnancy services center knows or reasonably should know to be  
50 deceptive.

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 deceptive advertising, provided the Attorney  
55 General gives written notice to the pregnancy services center in  
56 accordance with subsection (b) of this section. Any injunctive relief  
57 ordered by the court may include requiring the pregnancy services  
58 center to:

59 (1) Pay for and disseminate appropriate corrective advertising in the  
60 same form and using the same advertising device as used in the  
61 deceptive advertising;

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

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

67 (b) Prior to commencing an action pursuant to subsection (a) of this  
68 section, the Attorney General shall give written notice to the pregnancy  
69 services center of the violation of section 2 of this act and allow the  
70 pregnancy services center to cure such violation not later than ten days  
71 after receipt of the written notice. The Attorney General may file an  
72 action pursuant to subsection (a) of this section after such ten-day period  
73 if the pregnancy services center does not respond to the written notice  
74 or refuses to cure the violation of section 2 of this act.

75 (c) Upon a finding by the court that a pregnancy services center has

76 violated any provision of section 2 of this act, the state shall be entitled  
77 to recover (1) civil penalties of not less than fifty dollars and not more  
78 than five hundred dollars per violation, and (2) reasonable attorney's  
79 fees and costs.

80 (d) Nothing in this section shall prohibit the state or any political  
81 subdivision thereof from seeking any administrative, legal or equitable  
82 relief permitted by law, including, but not limited to, relief permitted by  
83 chapter 735a of the general statutes and the regulations adopted  
84 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