



General Assembly

Amendment

January Session, 2021

LCO No. 8864



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

10 (3) "Pregnancy-related service" means any medical or health
11 counseling service related to pregnancy or pregnancy prevention,
12 including, but not limited to, contraception and contraceptive
13 counseling, pregnancy testing, pregnancy diagnosis, pregnancy options

14 counseling, obstetric ultrasound, obstetric sonogram and prenatal care;

15 (4) "Pregnancy services center" means a facility, including a mobile
16 facility, the primary purpose of which is to provide services to clients
17 who are or may be pregnant and that offers obstetric ultrasounds,
18 obstetric sonograms, pregnancy testing or diagnosis or prenatal care to
19 pregnant clients;

20 (5) "Premises" means land and improvements or appurtenances or
21 any part thereof; and

22 (6) "Prenatal care" means preventive health care, the goal of which is
23 to provide regular checkups to a patient to allow a physician or midwife
24 to treat and prevent potential health problems throughout the course of
25 the patient's pregnancy and to promote a healthy lifestyle that benefits
26 both the mother and child.

27 Sec. 2. (NEW) (*Effective July 1, 2021*) No pregnancy services center
28 shall make or disseminate, or cause to be made or disseminated, in any
29 newspaper or other publication, through any advertising device, or in
30 any other manner, including, but not limited to, through use of the
31 Internet, any statement concerning any pregnancy-related service or the
32 provision of any pregnancy-related service (1) that is explicitly or
33 implicitly false, misleading or deceptive or that a pregnancy services
34 center reasonably should know to be explicitly or implicitly false,
35 misleading or deceptive, or (2) with the intent not to perform such
36 pregnancy-related service as explicitly or implicitly advertised.

37 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) The Attorney General may
38 apply to any court of competent jurisdiction for injunctive relief to
39 compel compliance with the provisions of section 2 of this act and
40 correct the effects of the false, misleading or deceptive advertising,
41 provided the Attorney General gives written notice to the pregnancy
42 services center in accordance with subsection (b) of this section. Any
43 injunctive relief ordered by the court under this section may require a
44 pregnancy services center to take whatever remedial steps the court
45 deems necessary to correct the effects of the false, misleading or

46 deceptive advertising and to prevent further harm from occurring. Such
47 steps may include requiring the pregnancy center to:

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

51 (2) Post a remedial notice that corrects the effects of the false,
52 misleading or deceptive advertising for clients entering the facility that
53 may have seen the original false, misleading or deceptive
54 advertisements, but have not seen any subsequent court-ordered
55 corrective advertisements required under subdivision (1) of this
56 subsection; or

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

60 (b) Prior to commencing an action pursuant to subsection (a) of this
61 section, the Attorney General shall give written notice to the pregnancy
62 services center of the violation of section 2 of this act and allow the
63 pregnancy services center to cure such violation not later than ten days
64 after receipt of the written notice. The Attorney General may file an
65 action pursuant to subsection (a) of this section after such ten-day period
66 if the pregnancy services center does not respond to the written notice
67 or refuses to cure the violation of section 2 of this act.

68 (c) Upon a finding by the court that a pregnancy services center has
69 violated any provision of section 2 of this act, the state shall be entitled
70 to recover (1) civil penalties of not less than fifty dollars and not more
71 than five hundred dollars per violation, and (2) reasonable attorney's
72 fees and costs. Upon a finding by the court that a pregnancy services
73 center has not violated any provision of section 2 of this act, the
74 pregnancy services center shall be entitled to recover reasonable
75 attorney's fees and costs.

76 (d) Nothing in this section shall be construed as a limitation upon the

77 power or authority of the state or any political subdivision thereof to
78 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