



General Assembly

Amendment

January Session, 2021

LCO No. **8014**



Offered by:

SEN. KELLY, 21st Dist.
SEN. FORMICA, 20th Dist.
SEN. BERTHEL, 32nd Dist.
SEN. CHAMPAGNE, 35th Dist.
SEN. CICARELLA, 34th Dist.
SEN. HWANG, 28th Dist.

SEN. KISSEL, 7th Dist.
SEN. MARTIN, 31st Dist.
SEN. MINER, 30th Dist.
SEN. SAMPSON, 16th Dist.
SEN. SOMERS, 18th Dist.
SEN. WITKOS, 8th Dist.

To: Senate Bill No. **835**

File No. 38

Cal. No. 61

**"AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES
OF LIMITED SERVICES PREGNANCY CENTERS."**

1 Strike section 1 in its entirety and substitute the following in lieu
2 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) "Abortion" means the termination of a pregnancy for purposes
6 other than producing a live birth. "Abortion" includes, but is not limited
7 to, a termination of a pregnancy using pharmacological agents;

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

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

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

22 (5) "Deceptive" means an intentional misrepresentation of facts
23 related to pregnancy-related services;

24 (6) "Deceptive advertising" means advertising that contains an
25 intentional misrepresentation of facts related to pregnancy-related
26 services;

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

30 (8) "Licensed health care provider" means a person licensed under the
31 provisions of federal or state law to provide health care or other medical
32 services;

33 (9) "Limited services pregnancy center" means a pregnancy services
34 center that does not directly provide, or provide referrals for, abortions
35 or emergency contraception;

36 (10) "Pregnancy-related service" means any medical or health
37 counseling service related to pregnancy or pregnancy prevention,
38 including, but not limited to, contraception and contraceptive
39 counseling, pregnancy testing, pregnancy diagnosis, pregnancy options

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

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

54 (12) "Premises" means land and improvements or appurtenances or
55 any part thereof; and

56 (13) "Prenatal care" means services consisting of a physical
57 examination, pelvic examination or clinical laboratory services
58 provided to a client during pregnancy."