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:

Section 1. (NEW) (*Effective July 1, 2019*) As used in this section and sections 2 and 3 of this act, the following terms shall have the following meanings:

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

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

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

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

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

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

(7) "Limited services pregnancy center" means a pregnancy services center that does not provide referrals to clients for abortions or emergency contraception;

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

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

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

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

(12) “Family planning clinic” means a facility licensed as a family planning clinic by the Department of Public Health.

(13) “Commissioner” means the Commissioner of the Department of Consumer Protection.

Sec. 2. (NEW) (*Effective July 1, 2019*) No limited services pregnancy centeror family planning clinic shall make or disseminate or cause to be made or disseminated in any newspaper or other publication, through any advertising device, or in any other manner, including, but not limited to, through use of the Internet, any statement concerning any ~~pregnancy-related~~ service or the provision of any pregnancy-related service (1) that is false, misleading or deceptive or that a limited services pregnancy center, or family planning clinic, reasonably should know to be false, misleading or deceptive, or (2) with the intent not to perform such service or pregnancy-related service as advertised.

Sec. 3. (NEW) (*Effective July 1, 2019*) ~~(a)~~ ~~The Attorney General may apply to any court of competent jurisdiction for injunctive relief to compel compliance with the provisions of section 2 of this act and correct the effects of the false, misleading, or deceptive advertising. Any injunctive relief ordered by the court under this section may require a limited services pregnancy center to take whatever remedial steps the court deems necessary to correct the effects of the false, misleading or deceptive advertising and to prevent further harm from occurring. Such steps may include requiring the limited service pregnancy center to:~~

(a) The Department of Consumer Protection, upon a verified complaint, in writing, of any person concerning a violation of the provisions of section 2 of this act may investigate such complaint. Upon a determination by the commissioner that a limited services pregnancy center or family planning clinic has violated the provisions of section 2 of this act the commissioner may require a limited services pregnancy center, or licensed family planning clinic, to take whatever remedial steps deemed necessary to correct the effects of the false, misleading or deceptive advertising and to prevent further harm from occurring. Such steps may include requiring the limited service pregnancy center, or licensed family planning clinic, to:

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

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

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

(b) Upon a finding by the ~~court~~ commissioner that a limited services pregnancy center, or family planning clinic, has violated any provision of section 2 of this act, the state shall be entitled to recover ~~(1)~~ civil penalties of not less than fifty dollars and not more than five hundred dollars per violation.~~., and (2) reasonable attorney's fees and costs.~~

(c) Nothing in this section shall be construed as a limitation upon the power or authority of the state or any political subdivision thereof to seek any administrative, legal or equitable relief permitted by law.

(d)Priorto issuing a corrective remedial action or a civil penalty under this section the commissioner shall give notice and afford an opportunity for hearing in accordance with chapter 54.

(e)Any limited services pregnancy center, or family planning clinic, aggrieved by any decision or order of the commissioner under this section may appeal therefrom in accordance with section 4-183.