



General Assembly

February Session, 2022

Bill No. 5483

LCO No. 3426



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES OF PREGNANCY SERVICES CENTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-912 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2022*):

4 As used in this section and sections 19a-912a, as amended by this act,
5 and 19a-912b, as amended by this act:

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

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

11 (3) "Clinical laboratory services" means the microbiological,
12 serological, chemical, hematological, biophysical, cytological or
13 pathological examination of materials derived from the human body for

14 the purpose of obtaining information for the diagnosis, prevention or
15 treatment of disease or the assessment of a health condition;

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

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

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

29 [(7) "Limited services pregnancy center" means a pregnancy services
30 center that does not directly provide, or provide referrals for, abortions
31 or emergency contraception;]

32 [(8)] (7) "Pregnancy-related service" means any medical or health
33 counseling service related to pregnancy or pregnancy prevention,
34 including, but not limited to, contraception and contraceptive
35 counseling, pregnancy testing, pregnancy diagnosis, pregnancy options
36 counseling, obstetric ultrasound, obstetric sonogram and prenatal care;

37 [(9)] (8) "Pregnancy services center" means a facility, including a
38 mobile facility, the primary purpose of which is to provide services to
39 clients who are or have reason to believe they may be pregnant and that
40 either (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy
41 testing or diagnosis or prenatal care to pregnant clients, or (B) has the
42 appearance of a medical facility by virtue of having two or more of the
43 following factors present: (i) Staff or volunteers who wear medical attire
44 and uniforms; (ii) one or more examination tables; (iii) a private or

45 semiprivate room or area containing medical supplies or medical
46 instruments; (iv) staff or volunteers who collect health information from
47 clients; or (v) the facility is located on the same premises as a licensed
48 health care facility or licensed health care provider or shares facility
49 space with a licensed health care provider;

50 [(10)] (9) "Premises" means land and improvements or appurtenances
51 or any part thereof; and

52 [(11)] (10) "Prenatal care" means services consisting of a physical
53 examination, pelvic examination or clinical laboratory services
54 provided to a client during pregnancy.

55 Sec. 2. Section 19a-912a of the 2022 supplement to the general statutes
56 is repealed and the following is substituted in lieu thereof (*Effective July*
57 *1, 2022*):

58 No [limited services pregnancy center] pregnancy services center,
59 with the intent to perform a pregnancy-related service, shall make or
60 disseminate before the public, or cause to be made or disseminated
61 before the public, in any newspaper or other publication, through any
62 advertising device, or in any other manner, including, but not limited
63 to, through use of the Internet, any statement concerning any
64 pregnancy-related service or the provision of any pregnancy-related
65 service that is deceptive, whether by statement or omission, and that a
66 [limited services pregnancy center] pregnancy services center knows or
67 reasonably should know to be deceptive.

68 Sec. 3. Section 19a-912b of the 2022 supplement to the general statutes
69 is repealed and the following is substituted in lieu thereof (*Effective July*
70 *1, 2022*):

71 (a) The Attorney General may apply to any court of competent
72 jurisdiction for injunctive relief to compel compliance with the
73 provisions of section 19a-912a, as amended by this act, and correct the
74 effects of the deceptive advertising, provided the Attorney General
75 gives written notice to the [limited services pregnancy center]

76 pregnancy services center in accordance with subsection (b) of this
77 section. Any injunctive relief ordered by the court may include
78 requiring the [~~limited service pregnancy center~~] pregnancy services
79 center to:

80 (1) Pay for and disseminate appropriate corrective advertising in the
81 same form and using the same advertising device as used in the
82 deceptive advertising;

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

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

88 (b) Prior to commencing an action pursuant to subsection (a) of this
89 section, the Attorney General shall give written notice to the [~~limited~~
90 ~~services pregnancy center~~] pregnancy services center of the violation of
91 section 19a-912a, as amended by this act, and allow the [~~limited services~~
92 ~~pregnancy center~~] pregnancy services center to cure such violation not
93 later than ten days after receipt of the written notice. The Attorney
94 General may file an action pursuant to subsection (a) of this section after
95 such ten-day period if the [~~limited services pregnancy center~~] pregnancy
96 services center does not respond to the written notice or refuses to cure
97 the violation of section 19a-912a, as amended by this act.

98 (c) Upon a finding by the court that a [~~limited services pregnancy~~
99 ~~center~~] pregnancy services center has violated any provision of section
100 19a-912a, as amended by this act, the state shall be entitled to recover (1)
101 civil penalties of not less than fifty dollars and not more than five
102 hundred dollars per violation, and (2) reasonable attorney's fees and
103 costs.

104 (d) Nothing in this section shall prohibit the state or any political
105 subdivision thereof from seeking any administrative, legal or equitable
106 relief permitted by law, including, but not limited to, relief permitted by

107 chapter 735a and the regulations adopted thereunder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	19a-912
Sec. 2	<i>July 1, 2022</i>	19a-912a
Sec. 3	<i>July 1, 2022</i>	19a-912b

Statement of Purpose:

To prohibit deceptive advertising practices by pregnancy services centers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]