



Senate Bill No. 835

Public Act No. 21-17

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, 2021*) As used in this section and sections 2 and 3 of this act:

(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

Senate Bill No. 835

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 directly provide, or provide referrals 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 have reason to believe they 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 semiprivate 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

Senate Bill No. 835

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.

Sec. 2. (NEW) (*Effective July 1, 2021*) No limited services pregnancy center, with the intent to perform a pregnancy-related service, shall make or disseminate before the public, or cause to be made or disseminated before the public, 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 that is deceptive, whether by statement or omission, and that a limited services pregnancy center knows or reasonably should know to be deceptive.

Sec. 3. (NEW) (*Effective July 1, 2021*) (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 deceptive advertising, provided the Attorney General gives written notice to the limited services pregnancy center in accordance with subsection (b) of this section. Any injunctive relief ordered by the court may include requiring the limited service pregnancy center to:

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

(2) Post a remedial notice that corrects the effects of the deceptive

Senate Bill No. 835

advertising; or

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

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

(c) Upon a finding by the court that a limited services pregnancy center 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.

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