



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4221

Introduced 1/5/2022, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Pregnancy Center Disclosure Act. Presents the findings of the General Assembly. Provides that the purpose of the Act is to protect the health, safety, and welfare of pregnant women. Provides that a limited services pregnancy facility shall disseminate to clients on-site, and in any print and digital advertising materials, notice stating that the facility is not licensed as a medical facility by Illinois and has no licensed medical provider who provides or directly supervises the provision of services. Contains other notice requirements. Provides that the Attorney General shall bring an action to impose civil penalties of \$500 for a first offense and \$5,000 for each subsequent offense against a limited services pregnancy facility that fails to comply with the requirements of the Act. Provides that a private party may bring a civil action for injunctive relief to enforce the Act. Contains requirements for notice of noncompliance. Defines "limited services pregnancy facility". Contains a severability provision. Contains other provisions.

LRB102 21392 CPF 30508 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Pregnancy Center Disclosure Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) Crisis Pregnancy Centers (CPCs) are offices that
9 purport to offer women comprehensive and unbiased
10 reproductive health care information and services, but
11 instead they attempt to prevent women from obtaining
12 abortions.

13 (2) There are an estimated 2,500 Crisis Pregnancy
14 Centers across the United States, while there are only
15 about 840 licensed clinics that perform abortions. In many
16 states, CPCs far outnumber abortion clinics.

17 (3) Crisis Pregnancy Centers have a history of
18 targeting vulnerable women with misleading ads and
19 providing them with false and medically inaccurate
20 information about abortion, birth control, and a woman's
21 own health status.

22 (4) Crisis Pregnancy Centers rarely employ licensed
23 medical practitioners. Instead, unlicensed counselors or

1 volunteers provide "services" to pregnant women, sometimes
2 even performing medical tests that they are unqualified to
3 provide.

4 (5) Women who seek health care or counseling during
5 pregnancy require and deserve accurate information about
6 these pregnancy-related facilities.

7 (b) The purpose of this Act is to protect the health,
8 safety, and welfare of pregnant women.

9 Section 10. Definition. In this Act, "limited services
10 pregnancy facility" means a facility that: (i) has a primary
11 purpose of providing pregnancy-related services; (ii) is not
12 licensed by the State and does not have a licensed medical
13 provider on staff or under contract who provides or directly
14 supervises the provision of all of the services; and (iii)
15 satisfies 2 or more of the following:

16 (1) The facility offers obstetric ultrasounds,
17 obstetric sonograms, or prenatal care to pregnant women.

18 (2) The facility offers pregnancy testing or pregnancy
19 diagnosis.

20 (3) The facility advertises or solicits patrons with
21 offers to provide prenatal sonography, pregnancy tests, or
22 pregnancy options counseling.

23 (4) The facility has staff or volunteers who collect
24 health information from clients.

25 (5) The facility has staff or volunteers who are not

1 licensed nurses or physicians but who dress in clothing
2 that is typical of nurses or physicians.

3 Section 15. Requirements for a limited services pregnancy
4 facility.

5 (a) A limited services pregnancy facility shall
6 disseminate to clients on-site, and in any print and digital
7 advertising materials, including Internet websites, the
8 following notice:

9 "This facility is not licensed as a medical facility
10 by Illinois and has no licensed medical provider who
11 provides or directly supervises the provision of
12 services."

13 (b) In any county where more than 10% of the overall
14 population speaks a language other than English at home, as
15 measured by the U.S. Census, the notice distributed on-site
16 under subsection (a) shall also be provided in such other
17 language. Where advertising materials are in a language other
18 than English, the notice shall be provided in the same
19 language.

20 (c) The on-site notice required under subsection (a) shall
21 be a sign at least 11 inches by 17 inches, written in no less
22 than 80 point type, and shall be posted conspicuously at the
23 entrance of the limited services pregnancy facility and in at
24 least one additional area where clients wait to receive
25 services.

1 (d) The notice required under subsection (a), as it
2 appears in advertising material, shall be clear and
3 conspicuous, meaning: (i) in larger point type than the
4 surrounding text; (ii) in contrasting type, font, or color to
5 the surrounding text of the same size; or (iii) set off from
6 the surrounding text of the same size by symbols or other marks
7 that call attention to the language of the notice.

8 Section 20. Enforcement.

9 (a) The Attorney General shall bring an action to impose
10 civil penalties against a limited services pregnancy facility
11 that fails to comply with the requirements of this Act. Such
12 penalties shall be \$500 for a first offense and \$5,000 for each
13 subsequent offense.

14 (b) Before bringing an action to impose civil penalties,
15 the Attorney General shall provide the limited services
16 pregnancy facility with reasonable notice of noncompliance
17 that informs the limited services pregnancy facility that it
18 is subject to a civil penalty if it does not correct the
19 violation within 30 days after the date the notice is sent, and
20 the Attorney General shall verify that the violation was not
21 corrected within 30 days before imposing the penalties.

22 (c) A private party may bring a civil action for
23 injunctive relief to enforce this Act. In such case, the
24 private party shall provide the limited services pregnancy
25 facility notice of noncompliance by certified mail at least 30

1 days before filing suit. If the facility fails to correct the
2 violation by the time the civil action is filed and the
3 plaintiff prevails in the action, the plaintiff shall be
4 entitled to recover attorney's fees and costs.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.