



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2463

Introduced 2/15/2023, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

New Act

Creates the Deceptive Practices of Limited Services Pregnancy Centers Act. Prohibits a limited services pregnancy center from using or employing any deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of any material fact, with the intent that others rely upon the concealment, suppression or omission of such material fact: to interfere with an individual seeking to gain entry or access to a provider of abortion or emergency contraception; to induce an individual to enter or access the limited services pregnancy center; in advertising, soliciting, or otherwise offering pregnancy-related services; or in conducting, providing, or performing pregnancy-related services. Allows the Attorney General to enforce the Act when: it appears to the Attorney General that a limited services pregnancy center has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by the Act; the Attorney General receives a written complaint of the commission of a practice declared to be unlawful under the Act; or the Attorney General believes it to be in the public interest that an investigation should be made to ascertain whether a limited services pregnancy center has engaged in, is engaging in, or is about to engage in, any practice declared to be unlawful by the Act. Establishes the remedies available under the Act for violation of the Act, including preliminary or permanent injunction and a civil penalty not to exceed \$50,000. Allows any party aggrieved by a violation of the Act to bring an action against any limited services pregnancy center that has committed such a violation, in which the court may award actual damages and any other relief the court deems proper. Effective immediately.

LRB103 29622 LNS 56018 b

1 AN ACT concerning civil law.

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 Deceptive Practices of Limited Services Pregnancy Centers Act.

6 Section 5. Purpose. The laws and public policy of this
7 State have established the fundamental rights of individuals
8 to make autonomous decisions about their own reproductive
9 health, including the fundamental right to use or refuse
10 reproductive health care. The State has an interest to protect
11 against deceptive, fraudulent, and misleading practices that
12 interfere with an individual's ability to make autonomous,
13 informed and evidence-based decisions about their reproductive
14 health and have timely access to quality reproductive health
15 care that adheres to accepted standards of clinical practice.

16 Section 10. Definitions. As used in this Act:

17 "Abortion" means the use of any instrument, medicine,
18 drug, or any other substance or device to terminate the
19 pregnancy of an individual known to be pregnant with an
20 intention other than to increase the probability of a live
21 birth, to preserve the life or health of the child after live
22 birth, or to remove a dead fetus, as defined in Section 1-10 of

1 the Reproductive Health Act.

2 "Emergency contraception" means medication approved by the
3 federal Food and Drug Administration that can significantly
4 reduce the risk of pregnancy if taken within 72 hours after
5 unprotected sexual intercourse.

6 "Limited services pregnancy center" means an organization
7 or facility, including a mobile facility, that:

8 (1) does not directly provide abortions or prescribe
9 emergency contraception, or provide referrals for
10 abortions or emergency contraception, and has no
11 affiliation with any organization or provider who provides
12 abortions or prescribes emergency contraception; and

13 (2) has the primary purpose to offer or provide
14 pregnancy-related services to an individual who is or has
15 reason to believe the individual may be pregnant.

16 "Limited services pregnancy center" does not include a health
17 care professional licensed by the Department of Financial and
18 Professional Regulation. "Limited services pregnancy center"
19 includes an organization or facility that has employees,
20 volunteers, or agents who are health care professionals
21 licensed by the Department of Financial and Professional
22 Regulation.

23 "Pregnancy-related services" means any medical service, or
24 health counseling service, related to pregnancy or pregnancy
25 prevention, including, but not limited to, contraception and
26 contraceptive counseling, pregnancy testing, pregnancy

1 diagnosis, pregnancy options counseling, limited obstetric
2 ultrasound, obstetric ultrasound, obstetric sonogram, and
3 prenatal care.

4 Section 15. Deceptive acts or practices.

5 (a) A limited services pregnancy center shall not use or
6 employ any deception, fraud, false pretense, false promise, or
7 misrepresentation, or the concealment, suppression, or
8 omission of any material fact, with the intent that others
9 rely upon the concealment, suppression or omission of such
10 material fact:

11 (1) to interfere with an individual seeking to gain
12 entry or access to a provider of abortion or emergency
13 contraception;

14 (2) to induce an individual to enter or access the
15 limited services pregnancy center;

16 (3) in advertising, soliciting, or otherwise offering
17 pregnancy-related services; or

18 (4) in conducting, providing, or performing
19 pregnancy-related services.

20 (b) A violation of this Section is unlawful whether any
21 individual has been misled, deceived, or damaged thereby.

22 Section 20. Enforcement by the Attorney General.

23 (a) When it appears to the Attorney General that a limited
24 services pregnancy center has engaged in, is engaging in, or

1 is about to engage in any practice declared to be unlawful by
2 this Act, when the Attorney General receives a written
3 complaint of the commission of a practice declared to be
4 unlawful under this Act, or when the Attorney General believes
5 it to be in the public interest that an investigation should be
6 made to ascertain whether a limited services pregnancy center
7 has engaged in, is engaging in, or is about to engage in, any
8 practice declared to be unlawful by this Act, the Attorney
9 General may:

10 (1) require that limited services pregnancy center to
11 file on such terms as the Attorney General prescribes a
12 statement or report in writing under oath or otherwise, as
13 to all information as the Attorney General may consider
14 necessary;

15 (2) examine under oath any person in connection with
16 the potential violation of this Act;

17 (3) examine any record, book, document, account, or
18 paper as the Attorney General may consider necessary; and

19 (4) pursuant to an order of a circuit court, impound
20 any record, book, document, account, or paper that is
21 produced in accordance with this Act, and retain it in the
22 Attorney General's possession until the completion of all
23 proceedings in connection with which it is produced.

24 (b) To accomplish the objectives and to carry out the
25 duties prescribed by this Act, the Attorney General, in
26 addition to other powers conferred upon the Attorney General

1 by this Act, may issue subpoenas to any person, administer an
2 oath or affirmation to any person, conduct hearings in aid of
3 any investigation or inquiry, prescribe such forms and adopt
4 such rules as may be necessary, which rules shall have the
5 force of law.

6 (c) Service by the Attorney General of any notice
7 requiring a person to file a statement or report, or of a
8 subpoena upon any person, shall be made:

9 (1) personally by delivery of a duly executed copy
10 thereof to the person to be served, or if a person is not a
11 natural person, in the manner provided in the Civil
12 Practice Law when a complaint is filed; or

13 (2) by mailing by certified mail a duly executed copy
14 thereof to the person to be served at the person's last
15 known abode or principal place of business within this
16 State.

17 (d) If any person fails or refuses to file any statement or
18 report, or obey any subpoena issued by the Attorney General,
19 the Attorney General may file a complaint in the circuit court
20 for the:

21 (1) granting of injunctive relief, restraining the
22 conduct constituting a violation of this Act; and

23 (2) granting of such other relief as may be required
24 until the person files the statement or report or obeys
25 the subpoena.

26 (e) In the administration of this Act, the Attorney

1 General may accept an assurance of voluntary compliance with
2 respect to any method, act, or practice deemed to be in
3 violation of this Act from any limited services pregnancy
4 center who has engaged in, is engaging in, or was about to
5 engage in such method, act, or practice. Evidence of a
6 violation of an assurance of voluntary compliance shall be
7 prima facie evidence of a violation of this Act in any
8 subsequent proceeding brought by the Attorney General against
9 the alleged violator.

10 (f) Whenever the Attorney General has reason to believe
11 that any limited services pregnancy center is using, has used,
12 or is about to use any method, act, or practice declared by
13 this Act to be unlawful, and that proceedings would be in the
14 public interest, the Attorney General may bring an action in
15 the name of the People of the State against such limited
16 services pregnancy center to restrain by preliminary or
17 permanent injunction the use of such method, act, or practice.
18 The court, in its discretion, may exercise all powers
19 necessary to implement and enforce the injunction.

20 (g) In addition to the remedies herein, the Attorney
21 General may request and the court may impose a civil penalty in
22 a sum not to exceed \$50,000 against any limited services
23 pregnancy center found by the court to have engaged in any
24 method, act, or practice declared unlawful under this Act.

25 (h) This Section applies if:

26 (1) a court orders a party to make payments to the

1 Attorney General and the payments are to be used for the
2 operations of the Office of the Attorney General; or

3 (2) a party agrees, in an assurance of voluntary
4 compliance under this Act, to make payments to the
5 Attorney General for the operations of the Office of the
6 Attorney General.

7 (i) Moneys paid under any of the conditions described in
8 subsection (h) shall be deposited into the Attorney General
9 Court Ordered and Voluntary Compliance Payment Projects Fund.
10 Moneys in the Fund shall be used, subject to appropriation,
11 for the performance of any function pertaining to the exercise
12 of the duties of the Attorney General, including, but not
13 limited to, enforcement of any law of this State and
14 conducting public education programs; however, any moneys in
15 the Fund that are required by the court or by an agreement to
16 be used for a particular purpose shall be used for that
17 purpose.

18 (j) In any action brought under the provisions of this
19 Act, the Attorney General is entitled to recover costs for the
20 use of this State.

21 Section 25. Private right of action. Any party aggrieved
22 by a violation of this Act may bring an action in circuit court
23 against any limited services pregnancy center that has
24 committed such a violation. The court, in its discretion, may
25 award actual damages or any other relief which the court deems

1 proper, including, but not limited to, injunctive relief where
2 appropriate. The court shall award reasonable attorney's fees
3 and costs to a plaintiff who is a prevailing party in any
4 action brought pursuant to this Act.

5 Section 30. Waiver or modification. Any waiver or
6 modification of the rights, provisions, or remedies of this
7 Act shall be void and unenforceable.

8 Section 35. Liberally construed. This Act shall be
9 liberally construed to effect the purposes thereof.

10 Section 40. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.