

AN ACT concerning civil law.

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

Section 1. Legislative intent. The laws and public policy of this State have established the fundamental rights of individuals to make autonomous decisions about their own reproductive health, including the fundamental right to use or refuse reproductive health care. It is also the public policy of the State to ensure that patients receive timely access to information and medically appropriate care and that consumers are protected from deceptive and unfair practices. Despite these laws, vulnerable State residents and nonresidents seeking health care in this State have repeatedly been misled by organizations and their agents purporting to provide comprehensive reproductive health care services, but which, in reality, aim to dissuade pregnant persons from considering abortion care through deceptive, fraudulent, and misleading information and practices, without any regard for a pregnant person's concerns or circumstances. These organizations pay for advertising, including online and on billboards and public transportation, that is intended to attract consumers to their organizations and away from medical providers that offer comprehensive reproductive care. The advertisements and information given by these organizations provide grossly

inaccurate or misleading information overstating the risks associated with abortion, including conveying untrue claims that abortion causes cancer or infertility and concealing data that shows the risk of death associated with childbirth is approximately 14 times higher than the risk of death associated with an abortion. This misinformation is intended to cause undue delays and disruption to protected, time-sensitive, reproductive health care services, and the State has an interest in preventing health risks and associated costs caused and compounded by unnecessary delays in obtaining life-changing or life-saving reproductive care. Even when an organization offers free services, all of this activity has a commercial and economic impact on where, when, and how reproductive care is provided. The conduct of these organizations has become increasingly aggressive following the United States Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct. 2228 (2022). The State has an interest to protect against deceptive, fraudulent, and misleading advertising and practices that interfere with an individual's ability to make autonomous, informed, and evidence-based decisions about the individual's reproductive health and have timely access to quality reproductive health care that adheres to accepted standards of medical practice or care. The State also has an interest to protect against deceptive and unfair practices affecting trade and commerce, to ensure a free, open, and fair marketplace for all

marketplace participants. At the same time, it is the public policy of the State to respect the right to hold and express deeply held beliefs about abortion so long as fraud, deception, and misleading practices are not employed to interfere with or prevent another from accessing comprehensive reproductive health care. It is not the intention of this Act to regulate, limit, or curtail the ability to counsel against abortion if an organization and its agents are otherwise operating in compliance with the law.

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2BBBB as follows:

(815 ILCS 505/2BBBB new)

Sec. 2BBBB. Deceptive practices related to limited services pregnancy centers.

(a) As used in this Section:

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

"Affiliates" has the meaning given to the term "hospital affiliate" as defined in subsection (b) of Section 10.8 of the

Hospital Licensing Act.

"Emergency contraception" means one or more prescription drugs (i) used separately or in combination for the purpose of preventing pregnancy, (ii) administered to or self-administered by a patient within a medically recommended amount of time after sexual intercourse, and (iii) dispensed for such purpose in accordance with professional standards of practice.

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

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

(2) has a primary purpose to offer or provide pregnancy-related services to an individual who is or has reason to believe the individual may be pregnant, whether or not a fee is charged for such services.

"Limited services pregnancy center" does not include:

(1) a health care professional licensed by the Department of Financial and Professional Regulation;

(2) a hospital licensed under the Hospital Licensing Act and its affiliates; or

(3) a hospital licensed under the University of

Illinois Hospital Act and its affiliates.

"Limited services pregnancy center" includes an organization or facility that has employees, volunteers, or agents who are health care professionals licensed by the Department of Financial and Professional Regulation.

"Pregnancy-related services" means any medical service, or health counseling service, related to the prevention, preservation, or termination of pregnancy, including, but not limited to, contraception and contraceptive counseling, pregnancy testing, pregnancy diagnosis, pregnancy options counseling, limited obstetric ultrasound, obstetric ultrasound, obstetric sonogram, sexually transmitted infections testing, and prenatal care.

(b) A limited services pregnancy center shall not engage in unfair methods of competition or unfair or deceptive acts or practices, including the use or employment of 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:

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

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

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

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

(c) A violation of this Section constitutes a violation of this Act.

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

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