



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1909

Introduced 2/9/2023, by Sen. Celina Villanueva

#### 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 30707 LNS 57182 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.