



Sen. Celina Villanueva

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LRB103 30707 LNS 59150 a

1 AMENDMENT TO SENATE BILL 1909

2 AMENDMENT NO. _____. Amend Senate Bill 1909 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Legislative intent. The laws and public policy
5 of this State have established the fundamental rights of
6 individuals to make autonomous decisions about their own
7 reproductive health, including the fundamental right to use or
8 refuse reproductive health care. It is also the public policy
9 of the State to ensure that patients receive timely access to
10 information and medically appropriate care and that consumers
11 are protected from deceptive and unfair practices. Despite
12 these laws, vulnerable State residents and nonresidents
13 seeking health care in this State have repeatedly been misled
14 by organizations and their agents purporting to provide
15 comprehensive reproductive health care services, but which, in
16 reality, aim to dissuade pregnant persons from considering
17 abortion care through deceptive, fraudulent, and misleading

1 information and practices, without any regard for a pregnant
2 person's concerns or circumstances. These organizations pay
3 for advertising, including online and on billboards and public
4 transportation, that is intended to attract consumers to their
5 organizations and away from medical providers that offer
6 comprehensive reproductive care. The advertisements and
7 information given by these organizations provide grossly
8 inaccurate or misleading information overstating the risks
9 associated with abortion, including conveying untrue claims
10 that abortion causes cancer or infertility and concealing data
11 that shows the risk of death associated with childbirth is
12 approximately 14 times higher than the risk of death
13 associated with an abortion. This misinformation is intended
14 to cause undue delays and disruption to protected,
15 time-sensitive, reproductive health care services, and the
16 State has an interest in preventing health risks and
17 associated costs caused and compounded by unnecessary delays
18 in obtaining life-changing or life-saving reproductive care.
19 Even when an organization offers free services, all of this
20 activity has a commercial and economic impact on where, when,
21 and how reproductive care is provided. The conduct of these
22 organizations has become increasingly aggressive following the
23 United States Supreme Court decision in *Dobbs v. Jackson*
24 *Women's Health Organization*, 142 S.Ct. 2228 (2022). The State
25 has an interest to protect against deceptive, fraudulent, and
26 misleading advertising and practices that interfere with an

1 individual's ability to make autonomous, informed, and
2 evidence-based decisions about the individual's reproductive
3 health and have timely access to quality reproductive health
4 care that adheres to accepted standards of medical practice or
5 care. The State also has an interest to protect against
6 deceptive and unfair practices affecting trade and commerce,
7 to ensure a free, open, and fair marketplace for all
8 marketplace participants. At the same time, it is the public
9 policy of the State to respect the right to hold and express
10 deeply held beliefs about abortion so long as fraud,
11 deception, and misleading practices are not employed to
12 interfere with or prevent another from accessing comprehensive
13 reproductive health care. It is not the intention of this Act
14 to regulate, limit, or curtail the ability to counsel against
15 abortion if an organization and its agents are otherwise
16 operating in compliance with the law.

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

19 (815 ILCS 505/2BBBB new)

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

22 (a) As used in this Section:

23 "Abortion" means the use of any instrument, medicine,
24 drug, or any other substance or device to terminate the

1 pregnancy of an individual known to be pregnant with an
2 intention other than to increase the probability of a live
3 birth, to preserve the life or health of the child after live
4 birth, or to remove a dead fetus, as defined in Section 1-10 of
5 the Reproductive Health Act.

6 "Affiliates" has the meaning given to the term "hospital
7 affiliate" as defined in subsection (b) of Section 10.8 of the
8 Hospital Licensing Act.

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

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

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

24 (2) has a primary purpose to offer or provide
25 pregnancy-related services to an individual who is or has
26 reason to believe the individual may be pregnant, whether

1 or not a fee is charged for such services.

2 "Limited services pregnancy center" does not include:

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

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

7 (3) a hospital licensed under the University of
8 Illinois Hospital Act and its affiliates.

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

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

21 (b) A limited services pregnancy center shall not engage
22 in unfair methods of competition or unfair or deceptive acts
23 or practices, including the use or employment of any
24 deception, fraud, false pretense, false promise, or
25 misrepresentation, or the concealment, suppression, or
26 omission of any material fact, with the intent that others

1 rely upon the concealment, suppression, or omission of such
2 material fact:

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

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

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

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

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

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

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