

ASSEMBLY, No. 5455

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman McKnight

SYNOPSIS

Provides certain deceptive practices in advertising of pregnancy-related services violate the consumer fraud act.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2021)

1 AN ACT concerning certain deceptive practices in the advertising of
2 pregnancy-related services and supplementing P.L.1960, c.39
3 (C.56:8-1).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. As used in this act:

9 “Crisis pregnancy center” means a facility administered by a
10 nonprofit organization that provides a client with peer-related
11 counseling services related to pregnancy and childbirth, including,
12 but not limited to, referrals to non-medical services, child-rearing
13 resources, and adoption services, but does not provide referrals to
14 abortion or other pregnancy-related services. A crisis pregnancy
15 center shall include a facility that presents the appearance of a
16 licensed health care facility by: requiring staff or volunteers to wear
17 medical attire or uniforms and to collect from a client identifiable
18 health information, as defined in 45 C.F.R. s.160.103; having one or
19 more examination rooms or semi-private rooms or areas containing
20 medical supplies or medical instruments; or sharing physical space
21 with a physician’s office or a licensed health care facility. A crisis
22 pregnancy center shall not include an ambulatory care facility, a
23 licensed health care facility, or a birthing facility that provides
24 family planning services and prenatal care.

25 “Pregnancy-related services” means any medical services or
26 health care counseling services related to pregnancy or pregnancy
27 prevention, including, but not limited to, ultrasound or sonogram
28 evaluations, pregnancy testing, prenatal care, and education and
29 counseling on contraception and unplanned pregnancy options.
30

31 2. a. It shall be an unlawful practice for a crisis pregnancy
32 center to:

33 (1) make, publish, disseminate, circulate, or place before the
34 public, or cause, directly or indirectly, to be made, published,
35 disseminated, circulated, or placed before the public, in a
36 newspaper, magazine, or other publication, or in the form of a
37 notice, circular, pamphlet, letter, or poster, or over any radio
38 station, or via the Internet, or in any other way, an advertisement,
39 announcement, or statement containing any assertion,
40 representation, or statement with respect to pregnancy-related
41 services or the provision of pregnancy-related services which is
42 untrue, deceptive, or misleading; or

43 (2) make false or misleading statements about, or misrepresent
44 the center’s intent to provide, pregnancy-related services.

45 b. A crisis pregnancy center that violates the provisions of
46 subsection a. of this section shall be subject to all remedies and
47 penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

1 3. In addition to powers exercised by the Attorney General
2 pursuant to the provisions of section 8 of P.L.1960, c.39 (C.56:8-8)
3 or any other law, when it shall appear to the Attorney General that a
4 crisis pregnancy center is about to engage in, is continuing to
5 engage in, or has engaged in conduct which is in violation of
6 section 2 of this act, or when it is in the public interest, the Attorney
7 General shall have the authority to seek and obtain in summary
8 action in the Superior Court an injunction prohibiting the crisis
9 pregnancy center from advertising or providing peer-related
10 counseling services, and may seek and obtain a court order
11 requiring the crisis pregnancy center to take whatever remedial
12 steps the court deems necessary to correct the adverse effects of the
13 center's untrue, deceptive, false, or misleading advertising or
14 statements on any client seeking pregnancy-related services.

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16 4. This act shall take effect immediately.

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19 STATEMENT

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21 This bill provides that it is an unlawful practice under the
22 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), for a crisis
23 pregnancy center to: (1) make, publish, disseminate, circulate, or
24 place before the public, or cause, directly or indirectly, to be made,
25 published, disseminated, circulated, or placed before the public, in a
26 newspaper, magazine, or other publication, or in the form of a
27 notice, circular, pamphlet, letter, or poster, or over any radio
28 station, or via the Internet, or in any other way, an advertisement,
29 announcement or statement containing any assertion, representation,
30 or statement with respect to pregnancy-related services or the
31 provision of pregnancy-related services which is untrue, deceptive,
32 or misleading; or (2) make false or misleading statements about, or
33 misrepresent the center's intent to provide, pregnancy-related
34 services.

35 As defined in the bill, "crisis pregnancy center" means a facility
36 administered by a nonprofit organization that provides a client with
37 peer-related counseling services related to pregnancy and childbirth,
38 including, but not limited to, referrals to non-medical services,
39 child-rearing resources, and adoption services, but does not provide
40 referrals to abortion or other pregnancy-related services. A crisis
41 pregnancy center includes a facility that presents the appearance of
42 a licensed health care facility by: requiring staff or volunteers to
43 wear medical attire or uniforms and to collect from a client
44 identifiable health information; having one or more examination
45 rooms or semi-private rooms or areas containing medical supplies
46 or medical instruments; or sharing physical space with a physician's
47 office or a licensed health care facility. A crisis pregnancy center

1 does not include an ambulatory care facility, a licensed health care
2 facility, or a birthing facility that provides family planning services
3 and prenatal care.

4 The bill also defines “pregnancy-related services” as any medical
5 services or health care counseling services related to pregnancy or
6 pregnancy prevention, including, but not limited to, ultrasound or
7 sonogram evaluations, pregnancy testing, prenatal care, and
8 education and counseling on contraception and unplanned
9 pregnancy options.

10 A crisis pregnancy center that violates the provision of the bill is
11 subject to all remedies and penalties available pursuant to P.L.1960,
12 c.39 (C.56:8-1 et seq.).

13 In addition, the bill provides that if a crisis pregnancy center is
14 about to engage in, is continuing to engage in, or has engaged in
15 conduct which is in violation of the bill, or if it is in the public
16 interest, the Attorney General has the authority to seek and obtain
17 an injunction prohibiting the crisis pregnancy center from
18 advertising or providing peer-related counseling services, and may
19 seek and obtain a court order requiring the center to take whatever
20 remedial steps the court deems necessary to correct the adverse
21 effects of the center’s untrue, deceptive, false, or misleading
22 advertising or statements on any client seeking pregnancy-related
23 services.