

By: Rodriguez

H.B. No. 2142

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the fraudulent advertising of pregnancy-related
3 medical services; providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 170, Health and Safety
6 Code, is amended to read as follows:

7 CHAPTER 170. PROHIBITED ACTS REGARDING ABORTION AND
8 PREGNANCY-RELATED MEDICAL SERVICES

9 SECTION 2. Chapter 170, Health and Safety Code, is amended
10 by adding Section 170.003 to read as follows:

11 Sec. 170.003. FRAUDULENT ADVERTISING OF SERVICES
12 PROHIBITED; PENALTIES. (a) In this section:

13 (1) "Advertise" means to offer goods or services to
14 the public, without regard to whether the goods or services are
15 offered for payment or result in a profit.

16 (2) "Pregnancy-related medical services" means
17 medical services provided to a pregnant woman by a health care
18 provider licensed in this state.

19 (b) A person may not advertise with the intent to
20 deceptively create the impression that the person is a provider of
21 pregnancy-related medical services if the person is not a health
22 care provider licensed in this state and authorized by law to
23 provide pregnancy-related medical services.

24 (c) A person commits an offense if the person violates

1 Subsection (b). An offense under this subsection is a Class A
2 misdemeanor.

3 (d) In addition to being subject to a criminal penalty, a
4 person who intentionally violates this section is liable for a
5 civil penalty. The amount of the penalty may not exceed \$10,000 for
6 each violation and shall be based on:

7 (1) the seriousness of the violation;

8 (2) the history of previous violations;

9 (3) the amount necessary to deter a future violation;

10 and

11 (4) any other matter that justice may require.

12 (e) The attorney general or a district or county attorney of
13 the county in which the violation is alleged to have occurred may
14 sue to collect a civil penalty under this section. In the suit the
15 attorney general or a district or county attorney may recover the
16 reasonable expenses incurred in obtaining the penalty, including
17 investigation and court costs and reasonable attorney's fees.

18 (f) A separate civil penalty may be collected for each day a
19 continuing violation occurs.

20 (g) The penalties provided by this section are in addition
21 to any other penalty provided by law, including Chapter 17,
22 Business & Commerce Code, and Chapter 165, Occupations Code.

23 SECTION 3. Section 170.003, Health and Safety Code, as
24 added by this Act, applies only to an offense committed on or after
25 the effective date of this Act. An offense committed before the
26 effective date of this Act is covered by the law in effect when the
27 offense was committed, and the former law is continued in effect for

1 that purpose. For the purposes of this section, an offense was
2 committed before the effective date of this Act if any element of
3 the offense occurred before that date.

4 SECTION 4. This Act takes effect September 1, 2007.