

By: Hernandez Luna

H.B. No. 3230

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of limited service pregnancy centers;
providing penalties.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 172 to read as follows:

CHAPTER 172. LIMITED SERVICE PREGNANCY CENTERS

Sec. 172.001. DEFINITIONS. In this chapter:

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

(2) "Comprehensive birth control services" means all drugs and medical devices that have been approved by the United States Food and Drug Administration for birth control.

(3) "Limited service pregnancy center" means an organization, including a pregnancy counseling organization or crisis pregnancy center, that for a fee or free of charge provides pregnancy counseling or information but does not perform abortions or make referrals to an abortion provider, does not provide or make referrals for comprehensive birth control services, and is not licensed or certified by this state or the federal government to provide medical or health care services. The term does not include a licensed health care provider, hospital, or family planning clinic that performs abortions or provides contraception or provides

1 abortion or contraception referrals.

2 (4) "Pregnancy-related medical service" means a
3 medical service provided to a pregnant woman by a health care
4 provider licensed in this state.

5 Sec. 172.002. PROHIBITED ADVERTISING. (a) A person may not
6 advertise with the intent to deceptively create the impression that
7 the person is a provider of pregnancy-related medical services if
8 the person is not a health care provider licensed in this state and
9 authorized by law to provide pregnancy-related medical services.

10 (b) A person may not advertise a limited service pregnancy
11 center or an organization that refers women to limited service
12 pregnancy centers without including the following disclaimer in
13 the advertisement: "This center does not provide abortions or refer
14 to abortion providers. This center does not provide or refer to
15 providers of United States Food and Drug Administration-approved
16 birth control drugs and medical devices."

17 Sec. 172.003. POSTED NOTICE REQUIRED. (a) A limited
18 service pregnancy center shall prominently display, at the entrance
19 of the center, two black and white signs, one in English and one in
20 Spanish, that contain the following statement: "This center does
21 not perform abortions or provide referrals to abortion providers.
22 This center does not provide or refer to providers of United States
23 Food and Drug Administration-approved birth control drugs and
24 medical devices."

25 (b) Each sign required under Subsection (a) must be at least
26 8-1/2 by 11 inches in size and clearly legible from outside the
27 center. The text for the sign must be in at least 48-point font

1 size.

2 Sec. 172.004. CIVIL AND CRIMINAL PENALTIES. (a) A person
3 commits an offense if the person violates Section 172.002 or
4 172.003. An offense under this subsection is a Class A misdemeanor.

5 (b) In addition to being subject to a criminal penalty, a
6 person who intentionally violates Section 172.002 or 172.003 is
7 liable for a civil penalty in an amount not to exceed \$10,000 for
8 each violation. The amount shall be based on:

9 (1) the seriousness of the violation;

10 (2) the history of previous violations;

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

12 and

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

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

20 (d) A separate civil penalty may be collected for each day a
21 continuing violation occurs.

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

25 SECTION 2. This Act takes effect September 1, 2011.