

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1137

H.P. 723

House of Representatives, March 13, 2023

An Act to Prohibit Deceptive Advertising in Limited Pregnancy Services Centers

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: KUHN of Falmouth, LOOKNER of Portland, MOONEN of Portland,
MORIARTY of Cumberland, O'NEIL of Saco, RECKITT of South Portland, SHEEHAN of
Biddeford, Senator: CARNEY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1902, sub-§2-A** is enacted to read:

3 **2-A. Emergency contraceptive supplies.** "Emergency contraceptive supplies" means
4 any medically approved drug designed to prevent pregnancy when administered after
5 sexual intercourse.

6 **Sec. 2. 22 MRSA §1902, sub-§5-B** is enacted to read:

7 **5-B. Limited pregnancy services center.** "Limited pregnancy services center" means
8 a pregnancy services center that does not directly provide, or provide referrals for, abortions
9 or emergency contraceptive supplies.

10 **Sec. 3. 22 MRSA §1902, sub-§7** is enacted to read:

11 **7. Pregnancy services center.** "Pregnancy services center" means a facility that:

12 A. Provides medical or health counseling services related to pregnancy or pregnancy
13 prevention; or

14 B. Appears to provide medical or health counseling services related to pregnancy or
15 pregnancy prevention and has at least 2 of the following:

16 (1) Staff or volunteers who wear medical attire or uniforms;

17 (2) One or more examination tables;

18 (3) A private or semiprivate area where medical supplies or medical instruments
19 are located;

20 (4) Staff or volunteers who collect health information from persons seeking
21 medical or health counseling services; or

22 (5) A location connected to, or sharing a space with, a licensed health care facility
23 or health care provider.

24 Services related to pregnancy or pregnancy prevention include, but are not limited to,
25 contraceptive procedures, emergency contraceptive supplies, contraceptive supplies,
26 contraceptive counseling, abortion, pregnancy testing, pregnancy diagnosis, pregnancy
27 options counseling, obstetric ultrasound, obstetric sonogram and prenatal care.

28 **Sec. 4. 22 MRSA §1912** is enacted to read:

29 **§1912. Deceptive advertising; limited pregnancy services centers**

30 **1. Dissemination prohibited.** A limited pregnancy services center may not, in
31 connection with providing a medical or health counseling service related to pregnancy or
32 pregnancy prevention, provide, disseminate or cause the dissemination of information, or
33 provide only partial information, about pregnancy, pregnancy prevention or abortion that
34 it knows or reasonably should know is deceptive or misleading. The prohibition in this
35 subsection includes, but is not limited to, verbal statements and written statements in a
36 newspaper, journal, pamphlet, publication or other written, recorded or electronic medium.

37 **2. Notice.** If the Attorney General has reason to believe that a limited pregnancy
38 services center has violated subsection 1, the Attorney General shall provide written notice
39 of the violation to the limited pregnancy services center.

1 that is deceptive or misleading and establishes a process for notice and enforcement of that
2 prohibition.