

113TH CONGRESS  
1ST SESSION

# S. 981

To direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2013

Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Deceptive Adver-  
5 tising for Women’s Services Act of 2013”.

6 **SEC. 2. PROHIBITION OF DECEPTIVE ADVERTISING OF**  
7 **ABORTION SERVICES.**

8 (a) CONDUCT PROHIBITED.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act, the Fed-  
3 eral Trade Commission shall promulgate rules to  
4 prohibit, as an unfair and deceptive act or practice,  
5 any person from advertising with the intent to de-  
6 ceptively create the impression that—

7           (A) such person is a provider of abortion  
8 services if such person does not provide abor-  
9 tion services; and

10           (B) such person is not a provider of abor-  
11 tion services if such person does provide abor-  
12 tion services.

13           (2) RULEMAKING.—Notwithstanding any other  
14 provision of law, the Commission shall promulgate a  
15 rule under this subsection in accordance with section  
16 553 of title 5, United States Code.

17 (b) ENFORCEMENT.—

18           (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
19 TICES.—A violation of a rule promulgated under  
20 subsection (a)(1) shall be treated as a violation of a  
21 rule defining an unfair or deceptive act or practice  
22 described under section 18(a)(1)(B) of the Federal  
23 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

24           (2) POWERS OF COMMISSION.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (C), the Federal Trade Commis-  
3 sion shall enforce this Act in the same manner,  
4 by the same means, and with the same jurisdic-  
5 tion, powers, and duties as though all applicable  
6 terms and provisions of the Federal Trade  
7 Commission Act (15 U.S.C. 41 et seq.) were in-  
8 corporated into and made a part of this Act.

9 (B) PRIVILEGES AND IMMUNITIES.—Ex-  
10 cept as provided in subparagraph (C), any per-  
11 son who violates this Act shall be subject to the  
12 penalties and entitled to the privileges and im-  
13 munities provided in the Federal Trade Com-  
14 mission Act (15 U.S.C. 41 et seq.).

15 (C) NONPROFIT ORGANIZATIONS.—The  
16 Federal Trade Commission shall enforce this  
17 Act with respect to an organization that is not  
18 organized to carry on business for its own profit  
19 or that of its members as if such organization  
20 were a person over which the Commission has  
21 authority pursuant to section 5(a)(2) of the  
22 Federal Trade Commission Act (15 U.S.C.  
23 45(a)(2)).

24 (c) DEFINITIONS.—In this section:

1           (1) ADVERTISE.—The term “advertise” means  
2 offering of goods or services to the public, regardless  
3 of whether such goods or services are offered for  
4 payment or result in a profit.

5           (2) ABORTION SERVICES.—The term “abortion  
6 services” means providing surgical and non-surgical  
7 procedures to terminate a pregnancy, or providing  
8 referrals for such procedures.

9           (3) PERSON.—The term “person” has the  
10 meaning given such term in section 551(2) of title  
11 5, United States Code.

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