

117TH CONGRESS
2D SESSION

H. R. 8210

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2022

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. BONAMICI, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Ms. BASS, Mr. BLUMENAUER, Mr. BOWMAN, Mr. BROWN of Maryland, Ms. BUSH, Mrs. CHERFILUS-McCORMICK, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Mr. DEUTCH, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Mrs. FLETCHER, Ms. LOIS FRANKEL of Florida, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Ms. JACKSON LEE, Ms. JACOBS of California, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. JONES, Ms. KUSTER, Mrs. LAWRENCE, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LIEU, Mr. LOWENTHAL, Mr. MALINOWSKI, Ms. MCCOLLUM, Ms. MENG, Ms. MOORE of Wisconsin, Ms. NEWMAN, Ms. NORTON, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mr. PRICE of North Carolina, Ms. SPEIER, Ms. STEVENS, Ms. STRICKLAND, Mr. TAKANO, Ms. TITUS, Ms. TLAIB, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Trade Commission to prescribe rules prohibiting disinformation in the 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Anti-Abortion
3 Disinformation Act” or the “SAD Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Abortion services are an essential compo-
7 nent of reproductive healthcare.

8 (2) The freedom to decide whether and when to
9 have a child is key to the ability of an individual to
10 participate fully in our democracy.

11 (3) Crisis pregnancy centers (CPCs) are anti-
12 abortion organizations that present themselves as
13 comprehensive reproductive healthcare providers
14 with the intent of discouraging pregnant people from
15 having abortions.

16 (4) According to the Journal of Medical Inter-
17 net Research (JMIR) Public Health and Surveil-
18 lance, there are more than 2,500 CPCs in the
19 United States, though some anti-abortion groups
20 claim that the number is closer to 4,000.

21 (5) According to 2020 data from JMIR Public
22 Health and Surveillance, on average, CPCs out-
23 number abortion clinics nationwide by an average of
24 3 to 1. In some States, this statistic is higher. For
25 example, The Alliance: State Advocates for Women’s
26 Rights & Gender Equality (The Alliance) found that

1 in Pennsylvania, CPCs outnumber abortion clinics
2 by 9 to 1. The Alliance also found that in Min-
3 nesota, CPCs outnumber abortion clinics by 11 to 1.

4 (6) CPCs routinely engage in a variety of de-
5 ceptive tactics, including making false claims about
6 reproductive health care and providers, dissemi-
7 nating inaccurate, misleading, and stigmatizing in-
8 formation about the risks of abortion and contracep-
9 tion, and using illegitimate or false citations to
10 imply that deceptive claims are supported by legiti-
11 mate medical sources.

12 (7) CPCs typically advertise themselves as pro-
13 viders of comprehensive healthcare. However, most
14 CPCs in the United States do not employ licensed
15 medical personnel or provide referrals for birth con-
16 trol or abortion care.

17 (8) By using these deceptive tactics, CPCs pre-
18 vent people from accessing reproductive healthcare
19 and intentionally delay access to time-sensitive abor-
20 tion services.

21 (9) CPCs target underresourced neighborhoods
22 and communities of color, including Black, Latino,
23 Indigenous, Asian American, Pacific Islander, and
24 immigrant communities, by locating their facilities
25 near social services centers and comprehensive re-

1 productive health care providers. CPCs place adver-
2 tisements in these neighborhoods that mislead and
3 draw people away from nearby providers that offer
4 evidence-based sexual and reproductive health care,
5 including abortion care. This exacerbates existing
6 health barriers and delays access to time-sensitive
7 care.

8 (10) People are entitled to honest, accurate,
9 and timely information when seeking reproductive
10 healthcare.

11 **SEC. 3. PROHIBITION ON DISINFORMATION OF ABORTION**
12 **SERVICES.**

13 (a) CONDUCT PROHIBITED.—

14 (1) RULE REQUIRED.—Not later than 180 days
15 after the date of the enactment of this section, the
16 Commission shall, in accordance with section 553 of
17 title 5, United States Code, promulgate rules to pro-
18 hibit a person from advertising with the use of de-
19 ceptive or misleading statements related to the pro-
20 vision of abortion services.

21 (2) ENFORCEMENT BY THE COMMISSION.—A
22 violation of a rule promulgated under subsection (a)
23 shall be treated as a violation of a rule defining an
24 unfair or deceptive act or practice under section
25 18(a)(1)(B) of the Federal Trade Commission Act

1 (15 U.S.C. 57a(a)(1)(B)). Except as otherwise pro-
2 vided, the Commission shall enforce such rule in the
3 same manner, by the same means, and with the
4 same jurisdiction, powers, and duties as though all
5 applicable terms and provisions of the Federal Trade
6 Commission Act were incorporated into and made a
7 part of this section. Any person who violates this
8 section shall be subject to the penalties and entitled
9 to the privileges and immunities provided in the
10 Federal Trade Commission Act (15 U.S.C. 41 et
11 seq.).

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

20 (4) CIVIL PENALTY.—In addition to any other
21 penalty as may be prescribed by law, in an action
22 brought by the Commission under this section, the
23 total civil penalty shall not exceed the greater of—

24 (A) \$100,000; or

1 (B) 50 percent of the revenues earned by
2 the ultimate parent entity of a person during
3 the preceding 12-month period.

4 (5) INDEPENDENT LITIGATION AUTHORITY.—If
5 the Commission has reason to believe that a person
6 has violated this section, the Commission may bring
7 a civil action in any appropriate United States dis-
8 trict court to—

9 (A) enjoin any further such violation by
10 such person;

11 (B) enforce compliance with this section;

12 (C) obtain a permanent, temporary, or pre-
13 liminary injunction;

14 (D) obtain civil penalties;

15 (E) obtain damages, restitution, or other
16 compensation on behalf of aggrieved consumers;
17 or

18 (F) obtain any other appropriate equitable
19 relief.

20 (b) REPORTS.—

21 (1) REPORT ON PLAN FOR ENFORCEMENT.—

22 Not later than 60 days after the date on which a
23 final rule under subsection (a)(1) is issued, the Com-
24 mission shall submit to Congress a report detailing
25 a plan to enforce the rule.

1 (2) BIENNIAL REPORTS.—Beginning one year
2 after the date of the enactment of this Act, and
3 every 2 years thereafter, the Commission shall sub-
4 mit to Congress a report that includes, with respect
5 to the previous year, a description of any enforce-
6 ment action by the Commission under this Act, any
7 rule promulgated pursuant to this Act, and the out-
8 comes of such actions.

9 (c) DEFINITIONS.—In this Act:

10 (1) ABORTION SERVICES.—The term “abortion
11 services” means the provision of surgical and non-
12 surgical procedures to terminate a pregnancy or a
13 referral for such procedures.

14 (2) ADVERTISE.—The term “advertise” means
15 offering or providing of goods or services to the pub-
16 lic, regardless of whether such goods or services are
17 offered for payment or result in a profit.

18 (3) COMMISSION.—The term “Commission”
19 means the Federal Trade Commission.

20 (4) PERSON.—The term “person” has the
21 meaning given that term in section 551(2) of title 5,
22 United States Code.

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