

117TH CONGRESS
2^D SESSION

S. 4469

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

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2022

Mr. MENENDEZ (for himself, Ms. WARREN, Ms. HIRONO, Mr. SCHATZ, Mr. BOOKER, Ms. SMITH, Ms. KLOBUCHAR, Mr. SANDERS, Mrs. MURRAY, Mr. MERKLEY, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. WYDEN, Mrs. GILLIBRAND, Mr. MARKEY, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Abortion services are an essential compo-
2 nent of reproductive health care.

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

6 (3) Crisis pregnancy centers (CPCs) are anti-
7 abortion organizations that present themselves as
8 comprehensive reproductive health care providers
9 with the intent of discouraging pregnant people from
10 having abortions.

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

16 (5) According to 2020 data from JMIR Public
17 Health and Surveillance, on average, CPCs out-
18 number abortion clinics nationwide by an average of
19 3 to 1. In some States, this statistic is higher. For
20 example, The Alliance: State Advocates for Women’s
21 Rights & Gender Equality (“The Alliance”) found
22 that in Pennsylvania, CPCs outnumber abortion
23 clinics by 9 to 1. The Alliance also found that in
24 Minnesota, CPCs outnumber abortion clinics by 11
25 to 1.

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

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

14 (8) By using these deceptive tactics, CPCs pre-
15 vent people from accessing reproductive health care
16 and intentionally delay access to time-sensitive abor-
17 tion services.

18 (9) CPCs target under-resourced neighborhoods
19 and communities of color, including Black, Latino,
20 Indigenous, Asian American, Pacific Islander, and
21 immigrant communities, by locating their facilities
22 near social services centers and comprehensive re-
23 productive health care providers. CPCs place adver-
24 tisements in these neighborhoods that mislead and
25 draw people away from nearby providers that offer

1 evidence-based sexual and reproductive health care,
2 including abortion care. This exacerbates existing
3 health barriers and delays access to time-sensitive
4 care.

5 (10) People are entitled to honest, accurate,
6 and timely information when seeking reproductive
7 health care.

8 **SEC. 3. PROHIBITION ON DISINFORMATION OF ABORTION**
9 **SERVICES.**

10 (a) CONDUCT PROHIBITED.—

11 (1) RULE REQUIRED.—Not later than 180 days
12 after the date of the enactment of this section, the
13 Commission shall, in accordance with section 553 of
14 title 5, United States Code, promulgate rules to pro-
15 hibit a person from advertising with the use of mis-
16 leading statements related to the provision of abor-
17 tion services.

18 (2) ENFORCEMENT BY THE COMMISSION.—A
19 violation of a rule promulgated under paragraph (1)
20 shall be treated as a violation of a rule defining an
21 unfair or deceptive act or practice under section
22 18(a)(1)(B) of the Federal Trade Commission Act
23 (15 U.S.C. 57a(a)(1)(B)). Except as otherwise pro-
24 vided, the Commission shall enforce such rule in the
25 same manner, by the same means, and with the

1 same jurisdiction, powers, and duties as though all
2 applicable terms and provisions of the Federal Trade
3 Commission Act were incorporated into and made a
4 part of this section. Any person who violates this
5 section shall be subject to the penalties and entitled
6 to the privileges and immunities provided in the
7 Federal Trade Commission Act (15 U.S.C. 41 et
8 seq.).

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

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

21 (A) \$100,000; or

22 (B) 50 percent of the revenues earned by
23 the ultimate parent entity of a person during
24 the preceding 12-month period.

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

6 (A) enjoin any further such violation by
7 such person;

8 (B) enforce compliance with this section;

9 (C) obtain a permanent, temporary, or pre-
10 liminary injunction;

11 (D) obtain civil penalties;

12 (E) obtain damages, restitution, or other
13 compensation on behalf of aggrieved consumers;
14 or

15 (F) obtain any other appropriate equitable
16 relief.

17 (b) REPORTS.—

18 (1) REPORT ON PLAN FOR ENFORCEMENT.—

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

23 (2) BIENNIAL REPORTS.—Beginning one year

24 after the date of the enactment of this Act, and
25 every 2 years thereafter, the Commission shall sub-

1 mit to Congress a report that includes, with respect
2 to the previous year, a description of any enforce-
3 ment action by the Commission under this Act, any
4 rule promulgated pursuant to this Act, and the out-
5 comes of such actions.

6 (c) DEFINITIONS.—In this Act:

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

11 (2) ADVERTISE.—The term “advertise” means
12 offering or providing goods or services to the public,
13 regardless of whether such goods or services are of-
14 fered for payment or result in a profit.

15 (3) COMMISSION.—The term “Commission”
16 means the Federal Trade Commission.

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

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