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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To prohibit disinformation in the advertising of abortion services, and for  
other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. BONAMICI introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit 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 Antiabortion  
5       Disinformation Act” or the “SAD Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

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

1           (2) On June 24, 2022, in *Dobbs v. Jackson*  
2       *Women’s Health Organization*, the Supreme Court  
3       overruled *Roe v. Wade*, reversing decades of prece-  
4       dent recognizing a constitutional right to abortion  
5       and permitting decimation of an already precarious  
6       landscape of access to abortion.

7           (3) The effects were immediate and disastrous.  
8       As of January 2023, abortion is unavailable in 14  
9       States, leaving 17.8 million women of reproductive  
10      age (ages 15 to 49) and transgender and gender  
11      nonconforming individuals without access to abortion  
12      in the home State of such individuals.

13          (4) Travel time to an abortion clinic, already  
14      burdensome under *Roe*, has more than tripled since  
15      the *Dobbs* decision, as scores of clinics in already  
16      underserved areas have been forced to close and  
17      more patients have been forced to travel to other  
18      States. As distance to an abortion facility increases,  
19      so do the accompanying burdens of time off from  
20      work or school, lost wages, transportation costs,  
21      lodging, child care costs, and other ancillary costs.

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

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

6           (7) According to the Journal of Medical Inter-  
7           net Research (JMIR) Public Health and Surveil-  
8           lance, there are more than 2,500 CPCs in the  
9           United States, though some antiabortion groups  
10          claim that the number is closer to 4,000.

11          (8) According to 2020 data from JMIR Public  
12          Health and Surveillance, on average, CPCs out-  
13          number abortion clinics nationwide by an average of  
14          3 to 1. In some States, this statistic is higher. For  
15          example, The Alliance: State Advocates for Women's  
16          Rights & Gender Equality (The Alliance) found that  
17          in Pennsylvania, CPCs outnumber abortion clinics  
18          by 9 to 1. The Alliance also found that in Min-  
19          nesota, CPCs outnumber abortion clinics by 11 to 1.

20          (9) CPCs routinely engage in a variety of de-  
21          ceptive tactics, including making false claims about  
22          reproductive health care and providers, dissemi-  
23          nating inaccurate, misleading, and stigmatizing in-  
24          formation about the risks of abortion and contracep-  
25          tion, and using illegitimate or false citations to

1       imply that deceptive claims are supported by legiti-  
2       mate medical sources.

3           (10) CPCs typically advertise themselves as  
4       providers of comprehensive health care. However,  
5       most CPCs in the United States do not employ li-  
6       censed medical personnel or provide referrals for  
7       birth control or abortion care.

8           (11) By using these deceptive tactics, CPCs  
9       prevent people from accessing reproductive health  
10      care and intentionally delay access to time-sensitive  
11      abortion services. The harm of these delays is far  
12      greater in the wake of the Dobbs decision.

13          (12) CPCs target underresourced neighbor-  
14      hoods and communities of color, including Black,  
15      Latino, Indigenous, Asian-American, Pacific Is-  
16      lander, and immigrant communities, by locating  
17      their facilities near social services centers and com-  
18      prehensive reproductive health care providers. CPCs  
19      place advertisements in these neighborhoods that  
20      mislead and draw people away from nearby pro-  
21      viders that offer evidence-based sexual and reproduc-  
22      tive health care, including abortion care. This exac-  
23      erbates existing health barriers and delays access to  
24      time-sensitive care.

1 (13) People are entitled to honest, accurate,  
2 and timely information when seeking reproductive  
3 health care.

4 **SEC. 3. PROHIBITION ON DISINFORMATION OF ABORTION**  
5 **SERVICES.**

6 (a) CONDUCT PROHIBITED.—

7 (1) PROHIBITION.—It shall be unlawful for any  
8 person to engage in deceptive advertising about the  
9 reproductive health services offered by the person,  
10 including advertising that deceptively states that the  
11 person—

12 (A) offers or provides contraception or  
13 abortion services (or referrals for such contra-  
14 ception or abortion services); or

15 (B) employs or offers access to licensed  
16 medical personnel.

17 (2) RULEMAKING.—The Commission may pro-  
18 mulgate regulations under section 553 of title 5,  
19 United States Code, to implement this section.

20 (3) ENFORCEMENT BY THE COMMISSION.—A  
21 violation of this section or a regulation promulgated  
22 under this section shall be treated as a violation of  
23 a regulation under section 18(a)(1)(B) of the Fed-  
24 eral Trade Commission Act (15 U.S.C.  
25 57a(a)(1)(B)) regarding unfair or deceptive acts or

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

14 (4) NONPROFIT ORGANIZATIONS.—Notwith-  
15 standing section 4, 5(a)(2), or 6 of the Federal  
16 Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46)  
17 or any jurisdictional limitation of the Commission,  
18 the Commission shall also enforce this section or a  
19 regulation promulgated under this section, in the  
20 same manner provided in paragraphs (1) and (3),  
21 with respect to organizations not organized to carry  
22 on business for their own profit or that of their  
23 members.

24 (5) CIVIL PENALTY.—In addition to any other  
25 penalty as may be prescribed by law, any person who

1 violates this section or a regulation promulgated  
2 under this section shall be punishable by a civil pen-  
3 alty that shall not exceed the greater of—

4 (A) \$100,000; or

5 (B) 50 percent of the revenues earned by  
6 the ultimate parent entity of a person during  
7 the preceding 12-month period.

8 (6) INDEPENDENT LITIGATION AUTHORITY.—

9 (A) CIVIL ACTION BY COMMISSION.—If the  
10 Commission has reason to believe that a person  
11 has violated this section or a regulation promul-  
12 gated under this section, the Commission may  
13 bring a civil action in any appropriate United  
14 States district court for any of the following  
15 remedies:

16 (i) To enjoin any further such viola-  
17 tion by such person.

18 (ii) To enforce compliance with this  
19 section or a regulation promulgated under  
20 this section.

21 (iii) To obtain a permanent, tem-  
22 porary, or preliminary injunction.

23 (iv) To obtain civil penalties.

1 (v) To obtain damages, restitution, or  
2 other compensation on behalf of aggrieved  
3 consumers.

4 (vi) To obtain any other appropriate  
5 equitable relief.

6 (B) EXCLUSIVE AUTHORITY OF COMMIS-  
7 SION.—Except as otherwise provided in section  
8 16(a)(3) of the Federal Trade Commission Act  
9 (15 U.S.C. 56(a)(3)), the Commission shall  
10 have exclusive authority to commence or defend,  
11 and supervise the litigation of, any civil action  
12 under this section and any appeal of such ac-  
13 tion, in its own name by any of its attorneys,  
14 designated by it for such purpose, unless the  
15 Commission authorizes the Attorney General to  
16 do so. The Commission shall inform the Attor-  
17 ney General of the exercise of such authority,  
18 and such exercise shall not preclude the Attor-  
19 ney General from intervening on behalf of the  
20 United States in such action and any appeal of  
21 such action as may be otherwise provided by  
22 law.

23 (b) REPORTS.—Beginning 1 year after the date of  
24 the enactment of this Act, and every 2 years thereafter,  
25 the Commission shall submit to Congress a report that



1 includes, with respect to the previous year, a description  
2 of any enforcement action by the Commission under this  
3 Act, any regulation promulgated under this Act, and the  
4 outcomes of such actions.

5 (c) SAVINGS CLAUSE.—Nothing in this Act may be  
6 construed to limit the authority of the Commission under  
7 any other provision of law.

8 (d) DEFINITIONS.—In this Act:

9 (1) ABORTION SERVICES.—The term “abortion  
10 services” means an abortion or any medical or non-  
11 medical services related to or provided in conjunction  
12 with an abortion, whether or not provided at the  
13 same time or on the same day as the abortion.

14 (2) COMMISSION.—The term “Commission”  
15 means the Federal Trade Commission.

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