

116TH CONGRESS
1ST SESSION

H. R. 2646

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. BONAMICI, Mr. FOSTER, Ms. JAYAPAL, Mr. MOULTON, Miss RICE of New York, Mr. GALLEG0, Mr. SCHIFF, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. RASKIN, Ms. DELAURO, Mr. KRISHNAMOORTH1, Mr. POCAN, Mr. AGUILAR, and Mr. KHANNA) 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 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 Healthcare Services Act”.

1 **SEC. 2. PROHIBITION OF DECEPTIVE ADVERTISING OF**
2 **ABORTION SERVICES.**

3 (a) CONDUCT PROHIBITED.—Not later than 180
4 days after the date of enactment of this Act, the Federal
5 Trade Commission shall, in accordance with section 553
6 of title 5, United States Code, promulgate rules to pro-
7 hibit, as an unfair or deceptive act or practice, any person
8 from advertising with the intent to deceptively create the
9 impression that—

10 (1) such person is a provider of abortion serv-
11 ices if such person does not provide abortion serv-
12 ices; and

13 (2) such person is not a provider of abortion
14 services if such person does provide abortion serv-
15 ices.

16 (b) ENFORCEMENT BY THE FTC.—A violation of a
17 rule promulgated under subsection (a) shall be treated as
18 a violation of a rule defining an unfair or deceptive act
19 or practice under section 18(a)(1)(B) of the Federal
20 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The
21 Commission shall enforce such rules in the same manner,
22 by the same means, and with the same jurisdiction, pow-
23 ers, and duties as though all applicable terms and provi-
24 sions of the Federal Trade Commission Act were incor-
25 porated into and made a part of this Act. Any person who
26 violates this Act shall be subject to the penalties and enti-

1 tled to the privileges and immunities provided in the Fed-
2 eral Trade Commission Act (15 U.S.C. 41 et seq.).

3 (c) NONPROFIT ORGANIZATIONS.—The Commission
4 shall enforce this Act with respect to an organization that
5 is not organized to carry on business for its own profit
6 or that of its members as if such organization were a per-
7 son over which the Commission has authority pursuant to
8 section 5(a)(2) of the Federal Trade Commission Act (15
9 U.S.C. 45(a)(2)).

10 **SEC. 3. REPORTS.**

11 (a) REPORT ON PLAN FOR ENFORCEMENT.—Not
12 later than 60 days after issuing a final rule under section
13 2(a), the Federal Trade Commission shall transmit to
14 Congress a report detailing its plan to enforce such rule.

15 (b) ANNUAL REPORTS.—The Commission shall sub-
16 mit annual reports to Congress that include the enforce-
17 ment actions of the Commission under this Act and any
18 rule promulgated pursuant to this Act and the outcomes
19 of such actions.

20 **SEC. 4. DEFINITIONS.**

21 For purposes of the rules prescribed under section
22 2, the following definitions apply:

23 (1) ADVERTISE.—The term “advertise” means
24 offering of goods or services to the public, regardless

1 of whether such goods or services are offered for
2 payment or result in a profit.

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

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

○