

119TH CONGRESS
1ST SESSION

S. 589

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2025

Ms. WARREN (for herself, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. WELCH, Mr. WYDEN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. BOOKER, Mr. MARKEY, Ms. CORTEZ MASTO, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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

8 (3) The effects were immediate and disastrous.
9 As of January 2025, abortion is unavailable in 14
10 States, leaving 17.9 million women, as well as
11 transgender and gender nonconforming individuals,
12 of reproductive age (ages 15 to 49), without access
13 to abortion in the home State of such individuals.

14 (4) Travel time to an abortion clinic, already
15 burdensome under *Roe*, has quadrupled since *Dobbs*,
16 as scores of clinics in already underserved areas
17 have been forced to close and more patients have
18 been forced to travel to other States (with over
19 170,000 people traveling out of State for care in
20 2023 alone). As distance to an abortion facility in-
21 creases, so do the accompanying burdens of time off
22 from work or school, lost wages, transportation
23 costs, lodging, child care costs, and other ancillary
24 costs.

1 (5) These burdens do not fall equally. Since
2 Dobbs and additional State bans and restrictions on
3 abortion care have taken effect, data shows that
4 women with low incomes and women of color have
5 experienced the largest increase in travel times to
6 abortion clinics. This is particularly burdensome for
7 women and pregnant people of color in the South,
8 the area of the country that has seen the highest in-
9 creases in travel time.

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

13 (7) Unfortunately, rampant misinformation and
14 disinformation have affected the ability of people to
15 access needed abortion care. Crisis pregnancy cen-
16 ters (CPCs) often disseminate and promote inac-
17 curate information about abortion and contracep-
18 tion.

19 (8) CPCs are antiabortion organizations that
20 present themselves as comprehensive reproductive
21 health care providers with the intent of shaming, de-
22 ceiving, or discouraging pregnant people from having
23 abortions.

24 (9) According to the Journal of Medical Inter-
25 net Research (JMIR) Public Health and Surveil-

1 lance, there are more than 2,500 CPCs in the
2 United States, though some antiabortion groups
3 claim that the number is closer to 4,000.

4 (10) According to 2020 data from JMIR Public
5 Health and Surveillance, CPCs outnumber abortion
6 clinics nationwide by an average of 3 to 1. In some
7 States, this statistic is higher. For example, The Al-
8 liance: State Advocates for Women’s Rights & Gen-
9 der Equality (The Alliance) found that in Pennsyl-
10 vania, CPCs outnumber abortion clinics by 9 to 1.
11 The Alliance also found that in Minnesota, CPCs
12 outnumber abortion clinics by 11 to 1.

13 (11) CPCs routinely engage in a variety of de-
14 ceptive tactics, including—

15 (A) making false claims about reproductive
16 health care and providers;

17 (B) disseminating inaccurate, misleading,
18 and stigmatizing information about the risks of
19 abortion and contraception; and

20 (C) using illegitimate or false citations to
21 imply that deceptive claims are supported by le-
22 gitimate medical sources.

23 (12) CPCs typically advertise themselves as
24 providers of comprehensive health care. However,
25 most CPCs in the United States do not employ li-

1 censed medical personnel or provide referrals for
2 birth control or abortion care.

3 (13) Most CPCs are not Health Insurance
4 Portability and Accountability Act (HIPAA)-covered
5 entities, but many deceptively claim to be compliant
6 with HIPAA in order to collect sensitive information
7 and mislead pregnant people about the privacy prac-
8 tices and obligations of CPCs. CPCs have been
9 found to disclose the health data of pregnant people,
10 including to law enforcement.

11 (14) By using these deceptive tactics, CPCs
12 prevent people from accessing reproductive health
13 care, intentionally delay access to time-sensitive
14 abortion services, and can subject people to harmful
15 interactions with law enforcement. The consequences
16 of these tactics and delays are far greater in the
17 wake of Dobbs.

18 (15) CPCs target under-resourced neighbor-
19 hoods and communities of color, including Black,
20 Latino, Indigenous, Asian-American, Pacific Is-
21 lander, and immigrant communities, by locating
22 CPCs near social services centers and comprehensive
23 reproductive health care providers. CPCs place ad-
24 vertisements in these neighborhoods that mislead
25 and draw people away from nearby providers that

1 offer evidence-based sexual and reproductive health
 2 care, including abortion care. This exacerbates exist-
 3 ing health barriers and delays access to time-sen-
 4 sitive care.

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

8 **SEC. 3. PROHIBITION ON DISINFORMATION RELATING TO**
 9 **ABORTION SERVICES.**

10 (a) PROHIBITION.—It shall be unlawful for any per-
 11 son to engage in deceptive advertising about the reproduc-
 12 tive health services offered by the person, including adver-
 13 tising that misrepresents that the person—

14 (1) offers or provides contraception or abortion
 15 services (or referrals for such contraception or abor-
 16 tion services); or

17 (2) employs or offers access to licensed medical
 18 personnel.

19 (b) RULEMAKING.—The Commission may promul-
 20 gate, under section 553 of title 5, United States Code,
 21 any regulations the Commission determines necessary to
 22 carry out this section.

23 (c) ENFORCEMENT BY COMMISSION.—

24 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
 25 TICES.—A violation of this section or a regulation

1 promulgated pursuant to this section shall be treated
2 as a violation of a regulation under section
3 18(a)(1)(B) of the Federal Trade Commission Act
4 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
5 tive acts or practices.

6 (2) POWERS OF COMMISSION.—Except as other-
7 wise provided in paragraph (3), the Commission
8 shall enforce this section and any regulation promul-
9 gated pursuant to this section in the same manner,
10 by the same means, and with the same jurisdiction,
11 powers, and duties as though all applicable terms
12 and provisions of the Federal Trade Commission Act
13 were incorporated into and made a part of this sec-
14 tion, and any person who violates this section or a
15 regulation promulgated pursuant to this section shall
16 be subject to the penalties and entitled to the privi-
17 leges and immunities provided in the Federal Trade
18 Commission Act.

19 (3) NONPROFIT ORGANIZATIONS.—Notwith-
20 standing section 4, 5(a)(2), or 6 of the Federal
21 Trade Commission Act (15 U.S.C. 44; 45(a)(2); 46)
22 or any jurisdictional limitation of the Commission,
23 the Commission shall also enforce this section and
24 any regulation promulgated pursuant to this section
25 in the same manner provided in paragraphs (1) and

1 (2) with respect to organizations not organized to
2 carry on business for their own profit or that of
3 their members.

4 (4) INDEPENDENT LITIGATION AUTHORITY.—

5 (A) CIVIL ACTION BY COMMISSION.—If the
6 Commission has reason to believe that a person
7 has violated this section or a regulation promul-
8 gated pursuant to this section, the Commission
9 may bring a civil action in any appropriate
10 United States district court for any of the fol-
11 lowing remedies:

12 (i) To enjoin any further such viola-
13 tion by such person.

14 (ii) To enforce compliance with this
15 section or a regulation promulgated pursu-
16 ant to this section.

17 (iii) To obtain a permanent, tem-
18 porary, or preliminary injunction.

19 (iv) To obtain civil penalties.

20 (v) To obtain damages, restitution, or
21 other compensation on behalf of aggrieved
22 consumers.

23 (vi) To obtain any other appropriate
24 equitable relief.

1 (B) EXCLUSIVE AUTHORITY OF COMMIS-
2 SION.—

3 (i) EXCLUSIVE AUTHORITY.—Except
4 as otherwise provided in section 16(a)(3)
5 of the Federal Trade Commission Act (15
6 U.S.C. 56(a)(3)), the Commission shall
7 have exclusive authority to commence or
8 defend, and supervise the litigation of, any
9 civil action under this section and any ap-
10 peal of such action, in its own name by
11 any of its attorneys, designated by it for
12 such purpose, unless the Commission au-
13 thorizes the Attorney General to do so.

14 (ii) RELATION TO ATTORNEY GEN-
15 ERAL.—The Commission shall inform the
16 Attorney General of the exercise of such
17 authority, and such exercise shall not pre-
18 clude the Attorney General from inter-
19 vening on behalf of the United States in
20 such action and any appeal of such action
21 as may be otherwise provided by law.

22 (d) CIVIL PENALTY.—In addition to any other pen-
23 alty as may be prescribed by law, any person who violates
24 this section or a regulation promulgated pursuant this sec-

1 tion shall be punishable by a civil penalty for each such
 2 violation that shall not exceed the greater of—

3 (1) \$100,000 (to be adjusted annually for infla-
 4 tion based on the change in the Consumer Price
 5 Index); or

6 (2) 50 percent of the revenue earned by the ul-
 7 timate parent entity of a person during the pre-
 8 ceding 12-month period.

9 (e) REPORTS.—Beginning 1 year after the date of the
 10 enactment of this Act, and every 2 years thereafter, the
 11 Commission shall submit to Congress a report that in-
 12 cludes (with respect to the previous year) a description
 13 of—

14 (1) any enforcement action by the Commission
 15 under this Act;

16 (2) the outcome of any such action; and

17 (3) any regulation promulgated pursuant to this
 18 Act.

19 (f) SAVINGS CLAUSE.—Nothing in this Act may be
 20 construed to limit the authority of the Commission under
 21 any other provision of law.

22 (g) DEFINITIONS.—In this Act:

23 (1) ABORTION SERVICES.—The term “abortion
 24 services” means an abortion or any medical or non-
 25 medical service related to or provided in conjunction

1 with an abortion, whether or not provided at the
2 same time or on the same day as the abortion.

3 (2) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

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

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