

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and
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 before fetal viability and permitting decimation of an
6 already precarious landscape of abortion access.

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 abortion access in
12 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.