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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:
(1) Abortion services are an essential component of reproductive health care.

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

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

(4) According to the Journal of Medical Internet Research (JMIR) Public Health and Surveillance, there are more than 2,500 CPCs in the United States, though some anti-abortion groups claim that the number is closer to 4,000.

(5) According to 2020 data from JMIR Public Health and Surveillance, on average, CPCs outnumber abortion clinics nationwide by an average of 3 to 1. In some States, this statistic is higher. For example, The Alliance: State Advocates for Women’s Rights & Gender Equality (“The Alliance”) found that in Pennsylvania, CPCs outnumber abortion clinics by 9 to 1. The Alliance also found that in Minnesota, CPCs outnumber abortion clinics by 11 to 1.
(6) CPCs routinely engage in a variety of deceptive tactics, including making false claims about reproductive health care and providers, disseminating inaccurate, misleading, and stigmatizing information about the risks of abortion and contraception, and using illegitimate or false citations to imply that deceptive claims are supported by legitimate medical sources.

(7) CPCs typically advertise themselves as providers of comprehensive health care. However, most CPCs in the United States do not employ licensed medical personnel or provide referrals for birth control or abortion care.

(8) By using these deceptive tactics, CPCs prevent people from accessing reproductive health care and intentionally delay access to time-sensitive abortion services.

(9) CPCs target under-resourced neighborhoods and communities of color, including Black, Latino, Indigenous, Asian American, Pacific Islander, and immigrant communities, by locating their facilities near social services centers and comprehensive reproductive health care providers. CPCs place advertisements in these neighborhoods that mislead and draw people away from nearby providers that offer
evidence-based sexual and reproductive health care, including abortion care. This exacerbates existing health barriers and delays access to time-sensitive care.

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

SEC. 3. PROHIBITION ON DISINFORMATION OF ABORTION SERVICES.

(a) Conduct Prohibited.—

(1) Rule Required.—Not later than 180 days after the date of the enactment of this section, the Commission shall, in accordance with section 553 of title 5, United States Code, promulgate rules to prohibit a person from advertising with the use of misleading statements related to the provision of abortion services.

(2) Enforcement by the Commission.—A violation of a rule promulgated under paragraph (1) shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). Except as otherwise provided, the Commission shall enforce such rule in the same manner, by the same means, and with the
same jurisdiction, powers, and duties as though all
applicable terms and provisions of the Federal Trade
Commission Act were incorporated into and made a
part of this section. Any person who violates this
section shall be subject to the penalties and entitled
to the privileges and immunities provided in the
seq.).

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

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

(A) $100,000; or

(B) 50 percent of the revenues earned by
the ultimate parent entity of a person during
the preceding 12-month period.
(5) Independent Litigation Authority.—If the Commission has reason to believe that a person has violated this section, the Commission may bring a civil action in any appropriate United States district court to—

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

(B) enforce compliance with this section;

(C) obtain a permanent, temporary, or preliminary injunction;

(D) obtain civil penalties;

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

or

(F) obtain any other appropriate equitable relief.

(b) Reports.—

(1) Report on Plan for Enforcement.—Not later than 60 days after the date on which a final rule under subsection (a)(1) is issued, the Commission shall submit to Congress a report detailing a plan to enforce the rule.

(2) Biennial Reports.—Beginning one year after the date of the enactment of this Act, and every 2 years thereafter, the Commission shall sub-
mit to Congress a report that includes, with respect
to the previous year, a description of any enforce-
ment action by the Commission under this Act, any
rule promulgated pursuant to this Act, and the out-
comes of such actions.

(c) Definitions.—In this Act:

(1) Abortion Services.—The term “abortion
services” means the provision of surgical and non-
surgical procedures to terminate a pregnancy or a
referral for such procedures.

(2) Advertise.—The term “advertise” means
offering or providing goods or services to the public,
regardless of whether such goods or services are of-
f ered for payment or result in a profit.

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

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