

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 740
Apr 18, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30274-NH-143

Short Title: Unfair/Deceptive Healthcare Advertising. (Public)

Sponsors: Representative von Haefen.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DEFINE AS A DECEPTIVE OR UNFAIR PRACTICE THE ACT OF KNOWINGLY ADVERTISING THAT ABORTION OR EMERGENCY CONTRACEPTIVE SERVICES ARE AVAILABLE WHEN THE PERSON OR ENTITY PUBLISHING THE ADVERTISEMENT DOES NOT PROVIDE THOSE SERVICES.

Whereas, in North Carolina, where people have the right to continue a pregnancy or terminate a pregnancy by abortion; and

Whereas, pregnant individuals need timely and accurate information from qualified medical professionals to make informed decisions about their health, well-being, and reproductive healthcare options; and

Whereas, according to the American Medical Association's Journal of Ethics, anti-abortion centers, also known as "crisis pregnancy centers," aim "to prevent abortions by persuading people that adoption or parenting is a better option"; and

Whereas, anti-abortion centers are the ground-level presence of a well-coordinated anti-abortion movement; and

Whereas, anti-abortion centers, with taxpayer dollars diverted to them, greatly outnumber abortion clinics and comprehensive reproductive healthcare centers in our State; and

Whereas, low-income patients have been deprived of access to affordable and comprehensive healthcare, including reproductive healthcare, for the last decade while these anti-abortion centers have been receiving taxpayer dollars; and

Whereas, many anti-abortion centers use deceptive advertising tactics to target and acquire clients from historically marginalized groups, including Black, Indigenous, and other People of Color; those who live in rural areas; LGBTQ+ communities; young people; students; people with lower incomes; undocumented people; and people for whom English is not their first language; and

Whereas, some anti-abortion centers go so far as to advertise so-called "medication abortion reversal," a dangerous and deceptive practice that is not supported by science or clinical standards, according to the American College of Obstetricians and Gynecologists, or by the United States Food and Drug Administration; and the American Medical Association states, "[Physicians] do not and cannot, without misleading them, tell their patients that it may be possible to reverse a medication abortion"; and

Whereas, time is a critical factor for individuals seeking abortion care; and no one should be deceived, manipulated, or face unnecessary delays when seeking support or healthcare during pregnancy, whether they plan to continue a pregnancy or terminate the pregnancy; Now, therefore,

The General Assembly of North Carolina enacts:



* D R H 3 0 2 7 4 - N H - 1 4 3 *

1 **SECTION 1.** Chapter 75 of the General Statutes is amended by adding a new section
2 to read:

3 **"§ 75-42.1. Deceptive representation of healthcare services offered.**

4 (a) A person or entity engages in deceptive or unfair practices under this Chapter when
5 the person or entity makes or disseminates an advertisement to the public that indicates the person
6 or entity provides abortions or emergency contraceptives, or provides referrals for abortions or
7 emergency contraceptives, when the person or entity knows or reasonably should know that the
8 person or entity does not provide those services.

9 (b) Notwithstanding G.S. 75-1.1(b), this section applies to any person or entity that
10 publishes or causes to be published an advertisement that violates subsection (a) of this section
11 and the violating party shall not be considered to be providing a professional service of a learned
12 profession, regardless of whether the violating party has or alleges to be operating under a
13 medical license issued by the State."

14 **SECTION 2.** This act is effective when it becomes law.