

ORDINANCE NO. 20120126-045

AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 10-10 TO REQUIRE SIGNS AT UNLICENSED PREGNANCY SERVICE CENTERS; CREATING AN OFFENSE AND IMPOSING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Code is amended by adding a new Chapter 10-10 to read as follows:

CHAPTER 10-10 UNLICENSED PREGNANCY SERVICE CENTERS.

§ 10-10-1 DEFINITIONS.

In this chapter:

- (1) **UNLICENSED PREGNANCY SERVICE CENTER** or **CENTER** means an organization or facility that:
 - (a) as its primary purpose, provides pregnancy related services, including pregnancy testing and options counseling; and
 - (b) does not have a health care provider that is licensed by a state or federal regulatory entity maintaining a full time practice on site.
- (2) **MEDICAL SERVICE** includes, without limitation, diagnosing pregnancy or performing a sonogram.
- (3) **OWNER OR OPERATOR** means a person who owns, operates, or manages an unlicensed pregnancy service center.

§ 10-10-2 NOTICE REQUIRED.

- (A) The owner or operator of an unlicensed pregnancy service center shall prominently display a black and white sign, in English and in Spanish, affixed to the entrance of the center so that the sign is conspicuously visible to a person entering the center, that accurately discloses the following information:
 - (1) whether the center provides medical services.
 - (2) if the center provides medical services, whether all medical services are provided under direction and supervision of a licensed health care provider; and

- (3) if the center provides medical services, whether the center is licensed by a state or federal regulatory entity to provide those services.
- (B) Each sign must be at least eight and one-half inches by eleven inches and the text must be in a font size of at least 36 point.

§ 10-10-3 PENALTY.

- (A) An owner or operator commits an offense if the owner or operator violates this chapter.
- (B) An offense under this article shall be punished by a fine of not less than \$250 for the first offense, not less than \$350 for a second offense, and not less than \$450 for a third or succeeding offense.
- (C) A culpable mental state is not required, and need not be proved, for an offense under this chapter.

PART 2. This ordinance takes effect on February 6, 2012.

PASSED AND APPROVED

January 26, 2012

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Lee Lettingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk