

ORDINANCE NO. 20120126-

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 Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk