

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 10-9 TO
REQUIRE SIGNS IN CERTAIN PREGNANCY COUNSELING FACILITIES;
CREATING AN OFFENSE; AND IMPOSING A PENALTY**

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

PART 1: A new Chapter 10-9 of the Code is adopted to read:

CHAPTER 10-9 LIMITED SERVICE PREGNANCY CENTERS

ARTICLE 1. GENERAL PROVISIONS.

§10-9-1 DEFINITIONS.

In this chapter:

(A) The term “ABORTION” has the meaning set forth in Section 170.001 of the Texas Health and Safety Code.

(B) The term “COMPREHENSIVE BIRTH CONTROL SERVICES” means all drugs and medical devices that have been approved by the U.S. Food and Drug Administration for birth control.

(C) The term “LIMITED SERVICE PREGNANCY CENTER” or “CENTER” means an organization or facility that:

(i) provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(ii) does not provide Abortions or make referrals to Abortion providers;

(iii) does not provide Comprehensive Birth Control Services or make referrals for Comprehensive Birth Control Services, and

(iv) is not licensed or certified by the state or federal government to provide medical or health care services.

(D) “OWNER OR OPERATOR” means an individual or corporation that owns, operates, or manages a Limited Service Pregnancy Center.

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43 **ARTICLE 2. OFFENSE.**
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45 **§10-9-2 NOTICE REQUIRED.**
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47 (A) The Owner or Operator of a Limited Service Pregnancy Center shall prominently
48 display, at the entrance of the Center, two black and white signs, one in English and one
49 in Spanish, that state as follows: "This center does not provide abortions or refer to
50 abortion providers. This center does not provide or refer to providers of U.S. Food and
51 Drug Administration approved birth control drugs and medical devices."
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53 (B) Each sign must be at least eight and one-half inches by eleven inches and the text
54 must be in a font size of at least 48 point.

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56 **§10-9-3 PENALTY.**

57 A person who violates this chapter commits an offense. An offense under this chapter
58 is a Class C misdemeanor punishable by a fine of not less than \$250 for the first offense,
59 not less than \$350 for a second offense, and not less than \$450 for a third offense. A
60 culpable mental state is not required for a violation of this chapter and need not be
61 proved.

62 **PART 2.** This ordinance takes effect on _____, 2010.

63 **PASSED AND APPROVED**
64

65 §
66 §
67 _____, 2010 § _____
68 Lee Leffingwell
69 Mayor
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71
72 **APPROVED:** _____
73 David Allan Smith
74 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk