

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2645

1 AN ACT TO AMEND SECTION 75-24-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT DECEPTIVE ADVERTISING BY A REGULATED HEALTH CARE
3 PROFESSIONAL SHALL BE ACTIONABLE; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 75-24-5, Mississippi Code of 1972, is
6 amended as follows:

7 75-24-5. (1) Unfair methods of competition affecting
8 commerce and unfair or deceptive trade practices in or affecting
9 commerce are prohibited. Action may be brought under Section
10 75-24-5(1) only under the provisions of Section 75-24-9.

11 (2) Without limiting the scope of subsection (1) of this
12 section, the following unfair methods of competition and unfair or
13 deceptive trade practices or acts in the conduct of any trade or
14 commerce are hereby prohibited:

15 (a) Passing off goods or services as those of another;

16 (b) Misrepresentation of the source, sponsorship,
17 approval, or certification of goods or services;

18 (c) Misrepresentation of affiliation, connection, or
19 association with, or certification by another;

20 (d) Misrepresentation of designations of geographic
21 origin in connection with goods or services;

22 (e) Representing that goods or services have
23 sponsorship, approval, characteristics, ingredients, uses,
24 benefits, or quantities that they do not have or that a person has
25 a sponsorship, approval, status, affiliation, or connection that
26 he does not have;

27 (f) Representing that goods are original or new if they
28 are reconditioned, reclaimed, used, or secondhand;

29 (g) Representing that goods or services are of a
30 particular standard, quality, or grade, or that goods are of a
31 particular style or model, if they are of another;

32 (h) Disparaging the goods, services, or business of
33 another by false or misleading representation of fact;

34 (i) Advertising goods or services with intent not to
35 sell them as advertised;

36 (j) Advertising goods or services with intent not to
37 supply reasonably expectable public demand, unless the
38 advertisement discloses a limitation of quantity;

39 (k) Misrepresentations of fact concerning the reasons
40 for, existence of, or amounts of price reductions.

41 (l) Advertising by or on behalf of any licensed or
42 regulated health care professional which does not specifically
43 describe the license or qualifications of the licensed or
44 regulated health care professional.

45 SECTION 2. This act shall take effect and be in force from
46 and after July 1, 2001.