

HOUSE No. 3320

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad and Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act removing obstacles and expanding access to women's reproductive health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>

<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>

<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>William M. Straus</i>	<i>10th Bristol</i>

<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>

HOUSE No. 3320

By Representatives Haddad of Somerset and Livingstone of Boston, a petition (accompanied by bill, House, No. 3320) of Patricia A. Haddad, Jay D. Livingstone and others relative to abortion and removing obstacles and expanding access to women's reproductive health. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act removing obstacles and expanding access to women's reproductive health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section
2 12K, as appearing in the 2016 Official Edition, and inserting in place thereof the following
3 section:

4 Section 12K. As used in section twelve L to section twelve U, inclusive, the following
5 words shall have the following meanings:

6 Abortion, any medical treatment intended to induce the termination of a clinically
7 diagnosable pregnancy except for the purpose of producing a live birth. The term abortion does
8 not include miscarriage management.

9 Hospital, a hospital as defined in section fifty-two of chapter one hundred and eleven of
10 the General Laws, and duly licensed

11 under the provisions of section fifty-one of chapter one hundred and eleven of the
12 General Laws.

13 Physician, an individual lawfully authorized to practice medicine within the
14 Commonwealth.

15 Pregnancy, means the presence of an implanted human embryo or fetus within a person's
16 uterus.

17 SECTION 2. Said Chapter 112 of the General Laws is hereby further amended by
18 striking out Sections 12L through 12U, inclusive, as so appearing, and inserting in place thereof
19 the following sections:

20 Section 12L. The Commonwealth shall not interfere with a person's personal decision
21 and ability to prevent, commence, terminate, or continue their own pregnancy consistent with
22 this chapter. The Commonwealth shall not restrict the use of medically appropriate methods of
23 abortion or the manner in which medically appropriate abortion is provided.

24 Section 12M. A physician, acting within their lawful scope of practice, may
25 perform an abortion when, according to the physician's best medical judgment, the patient is
26 within twenty-four weeks from the commencement of pregnancy, as defined in section 12K of
27 this chapter. A physician, acting within their lawful scope of practice, may perform an abortion
28 when, according to the physician's best medical judgment based on the facts of the patient's
29 case, the patient is beyond twenty-four weeks from the commencement of pregnancy and the
30 abortion is necessary to protect the patient's life or physical or mental health, in cases of lethal
31 fetal anomalies, or where the fetus is incompatible with sustained life outside the uterus.

32 Medical judgment may be exercised in the light of all factors—physical, emotional,
33 psychological, familial, and the person’s age—relevant to the well-being of the patient.

34 12N. Prior to performing an abortion, a physician shall obtain the pregnant patient’s
35 written informed consent on a form prescribed by the Commissioner of Public Health. A
36 pregnant person seeking an abortion shall sign the consent form before the abortion is performed,
37 except in an emergency requiring immediate action. The consent form and any other forms shall
38 be confidential and may not be released to any person other than to the pregnant person to whom
39 such documents relate or the operating physician, except by the pregnant patient’s written
40 consent; provided, however, that this requirement shall not impose any waiting period between
41 the signing of the consent form and the performance of the abortion.

42 12O. The department of public health shall have the authority to require aggregate
43 reports regarding induced termination of pregnancy pursuant to sections twenty-four A and
44 twenty-five A of chapter one hundred and eleven.

45 SECTION 3. Section 12F of Chapter 112 of the General Laws, as so appearing, is hereby
46 amended by striking out, in line XXX, the words “abortion or”.

47 SECTION 4. Section 10E of Chapter 118E of the General Laws, as so appearing, is
48 hereby amended by striking out, in lines XX, clause (i) and inserting in place thereof the
49 following clause:-

50 (i) all medically necessary care relative to pregnancy, including but not limited to
51 abortion, care to maintain health during the course of the pregnancy and delivery, and newborn
52 hospital care;