

**Amendment #759 to H5150**  
**Improved Access to Healthcare**

Ms. Cronin of Easton moves to amend the bill by inserting, after section 22, the following 13 new sections:-

SECTION 22A. Section 12F of chapter 112 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 20, the words “abortion or”.

SECTION 22B. Said chapter 112 is hereby further amended by striking out section 12K, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

Section 12K. As used in section 12L through section 12T, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Abortion”, any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth; provided, however, that the term abortion shall not include providing care related to a miscarriage.

“Hospital”, an institution as defined in section 52 of chapter 111 of the General Laws and duly licensed pursuant to section 51 of chapter 111 of the General Laws.

“Nurse midwife”, a nurse who is designated as a certified nurse midwife by the board of registration in nursing pursuant to section 80B.

“Nurse practitioner”, a nurse who is designated as a certified nurse practitioner by the board of registration in nursing pursuant to section 80B.

“Physician”, a person registered with the board of registration in medicine to practice medicine within the commonwealth.

“Physician assistant”, a person who is a graduate of an approved program for the training of physician assistants who is supervised by a physician in accordance with sections 9C to 9H, inclusive.

“Pregnancy”, the presence of an implanted human embryo or fetus in the uterus.

SECTION 22C. Said chapter 112 is hereby further amended by striking out section 12L, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

Section 12L. A physician, physician assistant, nurse practitioner, or nurse midwife may perform an abortion consistent with the scope of their practice and license if, in their best medical judgment, the pregnancy has existed for less than 24 weeks.

SECTION 22D. Section 12M of said chapter 112, as so appearing, is hereby amended by striking out, in line 3, the words “to save” and inserting in place thereof the following words:- , in the best medical judgment of the physician, to preserve.

SECTION 22E. Said section 12M of said chapter 112, as so appearing, is hereby amended by striking out, in lines 3 to 5, inclusive, the words “mother, or if a continuation of her pregnancy will impose on her a substantial risk of grave impairment of her” and inserting in place thereof the following words:- patient, or if it is necessary, in the best medical judgment of the physician, to preserve the patient’s.

SECTION 22F. Said section 12M of said chapter 112, as so appearing, is hereby amended by inserting after the word “health”, in line 5, the following words:- , or, in the best medical judgment of the physician, an abortion is warranted because of a lethal fetal anomaly incompatible with sustained life outside the uterus.

SECTION 22G. Section 12N of said chapter 112, as so appearing, is hereby amended by striking out, in line 6, the figure “12U” and inserting in place thereof the following figure:- 12T.

SECTION 22H. Section 12O of said chapter 112 of the General Laws is hereby repealed.

SECTION 22I. Said chapter 112 is hereby further amended by striking out section 12P, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

Section 12P. If an abortion is performed pursuant to section 12M, the room where the abortion is performed shall maintain life-supporting equipment, as defined by the department of public health, to enable the physician performing the abortion to take appropriate steps, in keeping with good medical practice and consistent with the procedure being used, to preserve the life and health of a live birth and the patient.

SECTION 22J. Said section 12Q of said chapter 112 of the General Laws, as so appearing, is hereby further amended by striking out, in line 4, the words “delivered to the physician performing the abortion” and inserting in place thereof the following word:- obtained.

SECTION 22K. Said chapter 112 is hereby further amended by striking out section 12R and inserting in place thereof the following section:-

Section 12R. The commissioner of public health shall collect aggregate data on abortions performed by a physician, physician assistant, certified nurse practitioner, or certified nurse midwife on a form promulgated by the commissioner which shall include, but not be limited to, the following information: the date and place of the abortions performed, the ages of the patients, the method used to perform the abortions, and the gestational age when the abortions were performed. The commissioner shall prepare from these forms such statistical tables with respect to maternal health, abortion procedures, and gestational age as the commissioner deems useful and shall make an annual report thereof to the general court. Nothing in this section shall be construed to limit the authority of the department of public health to require reports pursuant to sections 24A and 25A of chapter 111.

SECTION 22L. Said chapter 112 is hereby further amended by striking out section 12S, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

Section 12S. No abortion may be performed without first obtaining the written informed consent of the patient seeking an abortion. The commissioner of public health shall prescribe a form to use in obtaining such consent. A patient seeking an abortion shall sign the consent form in advance of the time for which the abortion is scheduled, except in an emergency requiring immediate action. The patient shall then return it to the physician, physician assistant, nurse practitioner, or nurse midwife performing the abortion who shall maintain it in their files and who shall destroy it 7 years after the date upon which the abortion is performed.

The consent form and any other forms, transcript of evidence, or written findings or conclusions of a court, shall be confidential and shall not be released to any other person except by the patient's written informed consent or by a proper judicial order, other than to the patient themselves, to whom such documents relate, the physician, physician assistant, nurse practitioner, or nurse midwife who performed the abortion, or any person whose consent is required pursuant to this section, or under the law. If a patient is less than 16 years of age and has not married, an abortion shall not be performed unless the physician, physician assistant, nurse practitioner, or nurse midwife first obtains both the consent of the patient and that of 1 of the patient's parents or guardians, except as hereinafter provided. In deciding whether to grant such consent, a patient's parent shall consider only the patient's best interests. If a patient less than 16 years of age has not married and if the patient is unable to obtain the consent of 1 of their parents or 1 of their guardians to the performance of an abortion, or if they elect not to

seek the consent of a parent or a guardian, or in the case of incest, or if the patient is in the custody of the department of children and families, a judge of the superior court department of the trial court shall, upon petition, or motion, and after an appropriate hearing held in person or via teleconference, authorize a physician, physician assistant, nurse practitioner, or nurse midwife to perform the abortion if said judge determines that the patient is mature and capable of giving informed consent to the procedure or, if said judge determines that the patient is not mature, that performance of an abortion would be in the patient's best interests. A patient less than 16 years of age may participate in proceedings in the superior court department of the trial court on their own behalf, and the court may appoint a guardian ad litem for the patient. The court shall, however, advise the patient that they have a right to court appointed counsel, and shall, upon the patient's request, provide the patient with such appointed counsel. Proceedings in the superior court department of the trial court under this section shall be confidential and shall be given such precedence over other pending matters that the court may reach a decision promptly and without delay so as to serve the best interests of the patient. The chief justice of the superior court department of the trial court shall establish procedures for conducting proceedings under this section promptly and without delay including, but not limited to, procedures to accommodate the patient outside of normal court hours. A judge of the superior court department of the trial court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting their decision and shall order a record of the evidence to be maintained including the findings and conclusions.

SECTION 22M. Section 12U of said chapter 112 of the General Laws is hereby repealed.

**Additional co-sponsor(s) added to Amendment #759 to H5150**  
**Improved Access to Healthcare**

REPRESENTATIVE:

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*Michael J. Moran*

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*Jay D. Livingstone*

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*Tram T. Nguyen*