HOUSE DOCKET, NO. 491 FILED ON: 1/18/2011

HOUSE . . . . . No. 482

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

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 passage of the accompanying:

An Act relative to a woman's right to know.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Elizabeth A. Poirier	*14th Bristol*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Viriato Manuel deMacedo	*1st Plymouth*
F. Jay Barrows	*1st Bristol*
Colleen M. Garry	*36th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Todd M. Smola	*1st Hampden*
Paul K. Frost	*7th Worcester*
John J. Binienda	*17th Worcester*
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
John P. Fresolo	*16th Worcester*
Paul Adams	*17th Essex*
Joyce A. Spiliotis	*12th Essex*
George T. Ross	*2nd Bristol*
James J. Dwyer	*30th Middlesex*
Marc T. Lombardo	*22nd Middlesex*
Angelo M. Scaccia	*14th Suffolk*

James J. Lyons, Jr.	*18th Essex*
Geoff Diehl	*7th Plymouth*
Paul J. Donato	*35th Middlesex*
Sheila C. Harrington	*1st Middlesex*
Dennis A. Rosa	*4th Worcester*
Kevin J. Kuros	*8th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Linda Campbell	*15th Essex*
Carlo Basile	*1st Suffolk*
Richard Bastien	*2nd Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Stephen R. Canessa	*12th Bristol*
Nick Collins	*4th Suffolk*
Edward F. Coppinger	*10th Suffolk*
Stephen L. DiNatale	*3rd Worcester*
Randy Hunt	*5th Barnstable*
Michael R. Knapik	☐ *[District]* ☐
Steven L. Levy	*4th Middlesex*
John H. Rogers	*12th Norfolk*
Matthew A. Beaton	*11th Worcester*
James R. Miceli	*19th Middlesex*
Benjamin Swan	*11th Hampden*

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By Ms. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 482) of Elizabeth A. Poirier and others relative to information provided to women seeking abortions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1670* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to a woman's right to know.

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

SECTION 1 This act shall be known and cited as “Laura’s Law” or as "Woman's Right to Know Act."

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking the first paragraph of section 12S, appearing at lines

1 through 19 in the 2008 Official Edition of the General Laws of Massachusetts, and inserting the following: —

Section 12S. No physician may perform an abortion upon a pregnant woman without first obtaining her written informed consent in compliance with the following procedures, unless in a case of a medical emergency, compliance would cause the pregnant woman’s death or the woman’s substantial and irreversible impairment of a major bodily function. The referring physician, the physician performing the abortion, or either physician’s agent must provide in a manner enabling the pregnant woman to receive at least twenty-four hours before the time an abortion is scheduled to be performed a printed pamphlet, the internet address to a state-sponsored website, or toll free number for an audio recording, all of which are created and maintained by the commissioner of public health, and which communicate the following general information: a written notice of the patients’ rights guaranteed by section 70E of chapter 111 of the General Laws; a comprehensive list of the names, addresses, and contact information of

18 public and private agencies and services available in the Commonwealth to provide medical,
19 financial and other assistance to a woman through pregnancy, upon childbirth, and while her
20 child is dependent, with prenatal, childbirth, neonatal, childrearing, and adoption services; a
21 description of the probable anatomical and physiological characteristics of the unborn child at
22 two week gestational increments from fertilization to full term, including color photographs or if
23 a representative photograph is not available, realistic drawings of the developing unborn child at
24 two week increments, and including written information about brain and heart function and the
25 presence of external members and internal organs at each stage of development; a description of
26 the various methods of abortion, and the physical, psychological and emotional risks or medical
27 complications commonly associated with each method; a description of the physical,
28 psychological and emotional risks or medical complications of pregnancy and delivery; a
29 description of the support obligations of the father of a child born alive; and statements that,
30 under the law of the commonwealth, a pregnant woman has the right upon her request to view a
31 live ultrasound and hear the heartbeat of her unborn child before an abortion, that a person's
32 refusal to undergo abortion does not constitute grounds for the denial of public assistance, that
33 the law permits adoptive parents to pay the cost of prenatal care, childbirth and neonatal care,
34 that the father of the unborn child is liable to assist in the support of the child, even in instances
35 where he has offered to pay for the abortion, that it is unlawful for any individual to coerce a
36 woman to undergo an abortion, and that any physician who performs an abortion upon a woman
37 without obtaining her informed consent may be liable to her for damages in a civil action at law.
38 The texts of the pamphlet, website and audio recording shall be identical in content, incorporate
39 the definitions of abortion, pregnancy, and unborn child as set out in Section 12K of this
40 Chapter, be objective, nonjudgmental and designed to convey only accurate scientific
41 information when discussing fetal development and medical risks, be written in a manner
42 designed to permit a person unfamiliar with medical terminology to understand its purpose and
43 content, and be published in English, Spanish, and Portuguese, and in each other language which
44 is the primary language of 2% or more of the state's population. Prior to the scheduled abortion
45 and before the woman provides her written consent to the abortion, the referring physician or the
46 physician performing the abortion must orally inform the woman of: the nature of the proposed
47 abortion method and associated risks and alternatives that a reasonable patient in the woman's
48 position would consider material to the decision of whether to undergo the abortion; the probable
49 gestational age of the unborn child at the time the abortion is to be performed; and the probable
50 anatomical and physiological characteristics of the unborn child at the time the abortion is to be
51 performed; and her right to see the ultrasound image and hear the heartbeat, if audible through
52 auscultation, of her unborn child before the abortion is to be performed. Also prior to the
53 scheduled abortion and before the woman provides her written consent to the abortion, the
54 referring physician, the physician performing the abortion, or either physician's agent shall orally
55 inform the woman that alternatives to abortion are available, ask the woman if she has seen the
56 information, including the list of abortion alternative agencies, provided in the pamphlet, website
57 or recorded telephone message described in this section, give the woman a copy of the pamphlet

58 if she requests one at this time, and provide the woman with an opportunity to contact abortion
59 alternative agencies at this time should she so desire, and advise the woman that she has the right
60 to see an ultrasound image and hear the fetal heartbeat of her unborn child before an abortion is
61 performed. If requested by the woman before the abortion is performed, the referring physician
62 or the physician performing the abortion shall arrange to provide to her a real-time ultrasound
63 image for her to view and auscultation of fetal heart tone for her to hear of her unborn child. The
64 ultrasound image and the auscultation of fetal heart tone must be of a quality consistent with
65 standard medical practice in the community. Before the scheduled abortion but after she is
66 provided with the opportunity to receive the information described in this section, if she decides
67 to obtain the abortion, the woman shall sign a consent form. The form shall indicate that she has
68 been offered and, if applicable, upon her request received the information and services described
69 in this section and does provide her informed consent to the abortion. The physician performing
70 the abortion shall maintain the signed consent form in the physician's files and destroy it seven
71 years after the date upon which the abortion is performed. The commissioner of public health
72 shall create and publish within ninety days after the effective date of this act, and shall review on
73 an annual basis and update if necessary, the pamphlet, website, telephone recordings, and
74 consent form required by this section. The commissioner shall avail at no cost and in appropriate
75 number to any institution, clinic or physician's office providing abortions the printed materials
76 required under this section.

77 SECTION 3. Chapter 111, section 70E is hereby amended by adding "institution, clinic,
78 or physician's office providing abortions," immediately after the word "clinic," and before the
79 word "infirmary" appearing at line 2 of the 2008 Official Edition of the General Laws of
80 Massachusetts.

81 SECTION 4. If any one or more provision, section, sentence, clause, phrase or word of
82 this Act or the application thereof to any person or circumstance is found by a court to be
83 unconstitutional or otherwise unenforceable, the same is hereby declared to be severable and the
84 balance of this Act shall remain effective notwithstanding. The General Court hereby declares
85 that it would have passed this Act, and each provision, section, sentence, clause, phrase or word
86 thereof, even if any one or more provision, section, sentence, clause, phrase, or word would be
87 found by a court to be unconstitutional or otherwise unenforceable.

88 SECTION 5. This Act shall take effect immediately after its passage by the General
89 Court and approval by the Governor, or upon its otherwise becoming a law.