

**HOUSE . . . . . No. 2092**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ellen Story*

*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 relative to consent and counseling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/7/2013</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Carlo Basile</i>	<i>1st Suffolk</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/16/2013</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2013</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/28/2013</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/24/2013</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>1/30/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/29/2013</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/24/2013</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/30/2013</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2013</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>1/24/2013</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/29/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/1/2013</i>

<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/28/2013</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/30/2013</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2013</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/1/2013</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>1/29/2013</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2013</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>John J. Binienda</i>	<i>17th Worcester</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	

**HOUSE . . . . . No. 2092**

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 2092) of Ellen Story and others relative to consent and counseling of pregnant women under sixteen years of age. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 629 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to consent and counseling.

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

1 The second paragraph of section 12S of chapter 112 of the General Laws, as appearing in  
2 the 2010 Official Edition, is hereby amended by striking out the second, third, fourth, fifth, sixth,  
3 seventh, and eighth sentences and inserting in place thereof the following:-

4 If a pregnant woman is less than sixteen years of age and has not married, no physician  
5 may perform an abortion upon her unless the attending physician has received and made part of  
6 the medical record the written consent of the pregnant woman and:

7 (1) the written consent of a parent, a legal guardian, a foster parent, or an adult family  
8 member twenty-five years of age or older; or

9 (2) the authorization of a judge of the superior court department of the trial court; or

10 (3) the written certification by an authorized individual that he has counseled the  
11 pregnant woman regarding alternative choices available to manage the pregnancy and the option  
12 of involving the woman's parents, guardians, or other adult family members in her decision-  
13 making.

14 An authorized individual shall be either a medical professional registered under section  
15 two, nine F, seventy-four, or seventy-four A of this chapter, or a mental health professional

16 licensed under section one hundred nineteen or one hundred thirty-one of this chapter. The  
17 commissioner of public health shall prescribe a form for the authorized individual to use in  
18 certifying that he has provided counseling in accordance with this section. A family member  
19 shall be one of the pregnant woman's grandparents or their lineal descendants, including those  
20 by adoption, and spouses of any such persons.

21           If a pregnant woman less than sixteen years of age has not married and she elects to seek  
22 the authorization of a judge of the superior court department of the trial court, the judge shall,  
23 upon petition or motion, and after an appropriate hearing, authorize a physician to perform the  
24 abortion if said judge determines that the pregnant woman is mature and capable of giving  
25 informed consent to the proposed abortion or, if said judge determines that she is not mature, that  
26 the performance of an abortion upon her would be in her best interests. A pregnant woman less  
27 than sixteen years of age may participate in proceedings in the superior court department of the  
28 trial court on her own behalf, and the court may appoint a guardian ad litem for her.