

HOUSE No. 1746

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to consent and counseling for certain minors..

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. The second paragraph of section 12S of 112 of the General Laws is hereby
2 amended by striking out the second, third, fourth, fifth, sixth, and, seventh sentences and
3 inserting in place thereof the following paragraph:—

4 If a pregnant woman is less than eighteen years of age and has not married, no
5 physician may perform an abortion upon her unless the attending physician has received and
6 made part of 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
8 family member twenty-one 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 pregnant woman has received counseling that includes a discussion of the
11 alternative choices available to manage the pregnancy and the possibility of involving the
12 woman's parents, guardians, or other adult family member in her decision making, and has
13 secured written verification of receiving such counseling from:

- 14 (a) a psychologist licensed under the provisions of section one hundred nineteen;
- 15 (b) a social worker licensed under the provisions of section one hundred thirty
- 16 one;
- 17 (c) a physician's assistant registered under the provisions of section nine F;
- 18 (d) a certified guidance counselor, as defined by section thirty-eight G of chapter
- 19 seventy-one;
- 20 (e) a physician or psychiatrist registered under the provisions of section two;
- 21 (f) a registered professional nurse licensed under the provisions of section
- 22 seventy-four;
- 23 (g) a practical nurse registered under the provisions of section seventy-four A;
- 24 (h) an ordained clergy member;
- 25 (i) a teacher certified under the provisions of section thirty-eight G of chapter
- 26 seventy-one; or
- 27 (j) a professional with a master's degree in counseling or education.

28 The commissioner of public health shall prescribe a form to verify. Such counseling

29 has occurred and has included a discussion of the alternative choices available to manage the

30 pregnancy and the possibility of involving the woman's parent, guardian, or other adult family

31 member in her decision making.

32 If a pregnant woman less than eighteen years of age has not married and she
33 elects to seek the authorization of a judge of the superior court department of the trial court, the
34 judge shall, upon petition or motion, and after an appropriate hearing, authorize a physician to
35 perform the abortion if said judge determines that the pregnant woman is mature and capable of
36 giving informed consent to the proposed abortion or, if said judge determines that she is not
37 mature, that the performance of an abortion upon her would be in her best interests.