

HOUSE No. 629

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>1/19/2011</i>
<i>William N. Brownsberger</i>		<i>1/25/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/26/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>1/28/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/28/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/28/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/28/2011</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/31/2011</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/1/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/1/2011</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>2/1/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/1/2011</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/1/2011</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>2/1/2011</i>
<i>Kenneth J. Donnelly</i>		<i>2/1/2011</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>2/3/2011</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/3/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>2/3/2011</i>

<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>2/3/2011</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/3/2011</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	<i>2/3/2011</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>2/3/2011</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/3/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/3/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/4/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/4/2011</i>
<i>Daniel A. Wolf</i>		<i>2/4/2011</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>2/4/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/4/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/4/2011</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>2/4/2011</i>
<i>Eileen M. Donoghue</i>		<i>2/4/2011</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/4/2011</i>

HOUSE No. 629

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 629) of Ellen Story and others relative to consent and counseling of pregnant women under sixteen years of age. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 is hereby
2 amended by striking out the second, third, fourth, fifth, sixth, seventh, and eighth sentences and
3 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.