

# HOUSE . . . . . No. 2011

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Elizabeth A. Malia, (BY REQUEST)***

*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 informed consent for circumcisions.

PETITION OF:

NAME:

*Ron Goldman*

DISTRICT/ADDRESS:

DATE ADDED:

*1/16/2015*

# HOUSE . . . . . No. 2011

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By Ms. Malia of Boston (by request), a petition (accompanied by bill, House, No. 2011) of Ron Goldman relative to informed consent for circumcisions. Public Health.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to informed consent for circumcisions.

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

1           Chapter 111 of the General Laws is hereby amended by inserting after section 70G, as  
2           appearing in the 2012 Official Edition, the following section:-

3           Section 70G½. (a) For purposes of this section, the following terms, unless the context  
4           clearly requires otherwise, shall have the following meanings:-

5           “Health care provider”, a physician or registered nurse.

6           “Informed consent form”, a form created and provided to health care providers by the  
7           department that includes the risks and potential benefits of performing a circumcision on a  
8           newborn child as stated in subsection (g). Such written consent form shall only be valid if  
9           executed pursuant to the provisions of this section.

10          “Newborn child” or “child”, a child that is 14 days old or younger.

11          “Reside”, keep or maintain as a permanent place of abode for more than 180 days a year.

(b) No health care provider shall circumcise any newborn child without first: (i) furnishing an informed consent form to the child's mother that is signed and dated by the health care provider or an agent thereof; (ii) and receiving an informed consent previously furnished pursuant to clause (i) that is duly executed pursuant to subsection (d); provided, however, the health care provider shall not perform a circumcision within 14 days of the date the informed consent form was furnished to the child's mother.

(c) At the time the informed consent form is furnished, the health care provider shall also furnish a circumcision video that shows the entire procedure including preparations and post-circumcision care and includes images of the baby's face, genital area and circumcision surgical instruments.

(d) To acknowledge that she has been informed of the risks and potential benefits of circumcision, has watched the circumcision video furnished pursuant to subsection (c) and wishes to proceed with the circumcision of her child, a newborn child's mother shall sign, date and return the informed consent form after at least 7 days and within 14 days to the health care provider, or agent thereof, who provided her with the form; provided, however, both parents shall watch the circumcision video and sign the informed consent form if: (i) the child is born to parents who are married to each other or if paternity has been established by a voluntary acknowledgment of parentage executed pursuant to chapter 209C; and (ii) the father currently resides with the mother; provided further, if the mother or father is engaged in active military service or is incarcerated in a state or county correctional facility only the mother shall sign the informed consent form.

(e) No health care provider shall use pressure, coercion or undue influence to obtain the informed consent of a parent pursuant to this section.

(f) The provisions of this section shall not apply to a health care provider performing a circumcision for religious purposes.

(g) The information provided on the informed consent form shall include the following statements:

I have read and understand the following statements:

1. Circumcision is unnecessary. It is the surgical removal of the foreskin from the penis. The foreskin comprises 25-50% of the skin on the penis. Circumcision is extremely painful and traumatic, causes some infants to go into shock, results in behavioral and neurological changes, and no anesthetic effectively prevents circumcision pain.

2. Circumcision is associated with over 20 different potential complications, including heavy bleeding, infection, surgical injury and in rare cases, death.

3. The foreskin on the average adult male is about 12 square inches of very sexually sensitive tissue which protects the head of the penis, enhances sexual pleasure and facilitates intercourse.

4. No national medical organization in the world recommends circumcision. Some national medical organizations warn of long-term harmful sexual and psychological consequences of circumcision.

5. Circumcision is associated with erectile dysfunction in the medical literature. A preliminary study found that circumcised men were 4 and 1/2 times more likely to use an erectile dysfunction drug than men with a foreskin.

6. The natural, non-circumcised, penis is easy to keep clean and requires no special care.

7. There are no proven medical benefits following circumcision, only speculated potential benefits. Any such potential benefits would be realized by very few boys, varying from 1 in 100 to 1 in 100,000 circumcised boys.

8. The medical need for circumcision in adults is as low as 6 in 100,000.

9. A signature on this form acknowledges that the signer has received and watched a circumcision video that shows the entire procedure of approximately 15 minutes, including preparations and post-circumcision care and includes images of the baby's face, genital area and circumcision surgical instruments.

10. Receiving this form does not mean that circumcision is recommended. If a circumcision is requested, this form shall be returned after at least 7 days and within 14 days of receiving it. Parents may freely choose not to circumcise their son by not signing or returning this form.

(h) A violation of this section shall constitute an unfair or deceptive trade act or practice pursuant to section 2 of chapter 93A. Any person whose rights under this section have been violated, interfered with, or attempted to be interfered with may institute and prosecute in his or

72 her own name and on his or her own behalf, or the attorney general, acting on behalf of the  
73 commonwealth, may institute, a civil action for injunctive and other equitable relief.