HOUSE DOCKET, NO. 2986 FILED ON: 1/20/2017

HOUSE . . . . . No. 2282

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 coerced abortion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Colleen M. Garry	*36th Middlesex*	*1/20/2017*

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HOUSE . . . . . No. 2282

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 2282) of Colleen M. Garry relative to voluntary consent for abortion services. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to coerced abortion.

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. Chapter 112 of the General laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following Section 12½S:

Section 12½S. Section 1. (a) As used in this section, the following word shall have the following meaning unless the context clearly requires otherwise:

"Abortion," the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

Section 2. (a) Any private office, freestanding ambulatory surgical center, hospital, clinic or other facility in which abortions are performed shall conspicuously post a sign in a location defined in subsection (c) so as to be clearly visible to patients, which reads as follows:

Notice: It is against the law for anyone, regardless of his or her relationship to you to force you to have an abortion. By law, we cannot perform an abortion on you unless we have

your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence.

(b) The sign required by subsection (a) shall be printed in both English and Spanish with lettering that is clearly legible and measures at least three quarters of an inch in boldfaced type.

(c) A facility in which abortions are performed that is a private office, freestanding ambulatory surgical center, or clinic shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed. A hospital or any other facility in which abortions are performed that is not a private office, freestanding ambulatory surgical center, or clinic shall post the required sign in each patient admission area used by patients on whom abortions are performed.

Section 3. (a) The attending physician shall also inform the pregnant female verbally of the information in the notice required by subsection 2(a). This information shall be communicated to the pregnant female in private and not in the presence of a boyfriend, husband, family member, friend or any other person who may have accompanied her to the facility where the abortion is to be performed.

(b) The pregnant female shall certify in writing, prior to the performance of the abortion, that she was informed by the attending physician of the information required in subsection 2(a). A copy of the written certification shall be placed in the pregnant female's file and kept for 7 years. If the pregnant female is a minor, a copy of the written certification shall be placed in her file and kept for at least 7 years or for 2 years after the minor reaches the age of majority, whichever is longer.

Section 4. Any private office, freestanding ambulatory surgical center, hospital or other facility that fails to post a required sign in knowing, reckless, or negligent violation of this section 12½S shall be assessed a fine of $10,000. A separate violation occurs each day on which an abortion, other than an abortion necessary to prevent the death of the pregnant female, is performed in any private office, freestanding ambulatory surgical center, hospital, clinic or other facility while the required sign is not posted during any part of business hours when patients or prospective patients are present.

Section 5. (a) An individual injured by the failure to post the sign required by subsection 2(a) or someone acting on that individual's behalf may bring a civil action either in the superior court in the county in which the conduct complained of occurred or in the superior court for the county in which the person or entity complained of has a principal place of business to recover damages for emotional distress and other damages allowed by law.

(b) An individual injured by the failure to inform a pregnant female verbally of the information required by subsection 2(a) or someone acting on that individual's behalf may bring a civil action either in the superior court in the county in which the conduct complained of occurred or in the superior court for the county in which the person or entity complained of has a principal place of business to recover damages for emotional distress and other damages allowed by law.

(c) The sanctions and actions provided in this section do not displace any sanction which may apply under other law.