

HOUSE No. 936

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

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 a woman's right to know.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/19/2017</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/3/2017</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/3/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/19/2017</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>1/25/2017</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/2/2017</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	<i>1/26/2017</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/26/2017</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/31/2017</i>

HOUSE No. 936

By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 936) of Elizabeth A. Poirier and others for legislation to require physicians to obtain written informed consent prior to performing abortions. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to a woman's right to know.

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. This Act shall be know and cited as “Laura’s Law” or as “Woman’s Right
2 to Know Act”.

3 SECTION 2. Section 12S of Chapter 112 of the General laws, as appearing in the 2014
4 Official Edition, is hereby amended by striking the first paragraph, lines 1-20, and inserting in
5 place thereof the following paragraphs:

6 Section 12S (a). No physician may perform an abortion upon a pregnant woman without
7 first obtaining her written informed consent in compliance with the procedures listed in
8 subsection (b), unless in case of a medical emergency, compliance would cause the pregnant
9 woman’s death or the pregnant woman’s substantial and irreversible impairment of a major
10 bodily function.

11 (b) At least 24 hours before the time an abortion is scheduled to be performed, the
12 referring physician, the physician performing the abortion, or either physician’s agent must

13 provide to the pregnant woman a printed pamphlet, the internet address to a state-sponsored web
14 site, or a toll-free number for an audio recording as provided by the commissioner of public
15 health which communicates the following general information:

16 (1) written notice of patients' rights guaranteed by section 70E of chapter 111 of
17 the General Laws;

18 (2) comprehensive list of the names, addresses and contact information of public and
19 private agencies and services available in the commonwealth to provide medical, financial and
20 other assistance to a woman through pregnancy, upon childbirth, and while her child is
21 dependent, with prenatal, childbirth, neonatal, childrearing and adoption services;

22 (3) description of the probable anatomical and physiological characteristics of the unborn
23 child at two-week gestational intervals from fertilization to full term, including color
24 photographs, or if a representative photograph is not available, realistic drawings of the unborn
25 child at two-week gestational intervals from fertilization to full term and including written
26 information about brain and heart function and the presence of external members and internal
27 organs at each stage of development;

28 (4) description of the various methods of abortion and the physical, psychological and
29 emotional risks or medical complications commonly associated with each method;

30 (5) description of the physical, psychological and emotional risks or medical
31 complications of pregnancy and delivery;

32

33 (6) description of the support obligations of the father of a child born alive; and

34 (7) the following statements of patient rights:

35 (i) under the law of the commonwealth, a pregnant woman has the right, upon her
36 request, to view a live ultrasound and hear the heartbeat of her unborn child before an abortion;

37 (ii) the law permits adoptive parents to pay the cost of prenatal care, childbirth and
38 neonatal care;

39 (iii) the father of the unborn child is liable to assist in the support of the child, even in
40 instances in which he has offered to pay for the abortion;

41 (iv) it is unlawful for any individual to coerce a woman to undergo an abortion,

42 (v) a physician who performs an abortion upon a pregnant woman without obtaining her
43 informed consent may be liable to her for damages in a civil action at law.

44 (b) The texts of the pamphlet, web site and audio recording required in subsection (b)
45 shall:

46 (1) be identical in content, incorporate the definitions of “abortion,” “pregnancy,” and
47 “unborn child” as set out in section 12K of this chapter;

48 (2) be objective, non-judgmental and designed to convey only accurate scientific
49 information when discussing fetal development and medical risks; and

50 (3) be written in a manner designed to permit a person unfamiliar with medical
51 terminology to understand its purpose and content, and be published in English, Spanish,
52 Portuguese, and in each other language which is the primary language of 2% or more of the
53 state’s population.

54 (c) Prior to the scheduled abortion and before the pregnant woman provides her written
55 consent to the abortion, the referring physician or the physician performing the abortion must
56 orally inform the pregnant woman of:

57 (1) the nature of the proposed abortion method and associated risks and alternatives that a
58 reasonable patient in the pregnant woman's position would consider material to the decision to
59 undergo the abortion;

60 (2) the probable gestational age of the unborn child at the time the abortion is to be
61 performed;

62 (3) the probable anatomical and physiological characteristics of the unborn child at the
63 time the abortion is to be performed; and

64 (4) her right to see the ultrasound image and hear the heartbeat, if audible through
65 auscultation, of her unborn child before the abortion is to be performed.

66

67 (d) Prior to the scheduled abortion and before the pregnant woman provides her written
68 consent to the abortion, the referring physician, the physician performing the abortion, or either
69 physician's agent shall:

70 (1) orally inform the pregnant woman that alternatives to abortion are available;

71 (2) ask the pregnant woman if she has seen the information, including the list of abortion
72 alternative agencies provided in the pamphlet, web site, or telephonic audio recordings described
73 in subsection (b);

74 (3) give the pregnant woman a copy of the pamphlet if she requests one at this time;

75 (4) provide the pregnant woman with an opportunity to contact abortion alternative
76 agencies at this time should she desire to do so; and

77

78 (5) advise the pregnant woman that she has the right to see an ultrasound image and hear
79 the heartbeat of her unborn child before an abortion is performed.

80 (e) If requested by the pregnant woman before the abortion is performed, the referring
81 physician or the physician performing the abortion shall arrange to provide a real-time
82 ultrasound image of the unborn child for the pregnant woman to view and auscultation of fetal
83 heart tone for the pregnant woman to hear the heartbeat of her unborn child. The ultrasound
84 image and the auscultation of fetal heart tone must be of a quality consistent with standard
85 medical practice in the community.

86 (f) Before the scheduled abortion but after the pregnant woman is provided with an
87 opportunity to receive the information described in subsections (b) and (d), if she decides to
88 obtain the abortion, the pregnant woman shall sign a consent form. The form shall indicate that
89 she has been offered and, if applicable, has upon her request received the information and
90 services described in subsections (b) and (d) and does provide her consent to the abortion. The
91 physician performing the abortion shall maintain the signed consent form in the physician's files
92 and destroy it 7 years after the date upon which the abortion is performed.

93 (g) The commissioner of public health shall create and publish within 90 days after the
94 effective date of this Act and shall review on an annual basis and update if necessary, the

95 pamphlet, web site, telephonic recordings required in subsection (b) and the consent form
96 required in subsection (f).

97 (h) The commissioner shall make the printed materials required in subsection (b)
98 available at no cost and in appropriate number to any institution, clinic or physician's office
99 providing abortions.

100 SECTION 3. Section 12S of Chapter 112 of the General Laws, as appearing in the 2014
101 Official Edition, is hereby amended by inserting "(i)" at the beginning of the second paragraph,
102 before the words "The said consent form...."

103 SECTION 4. Section 12S of Chapter 112 of the General Laws, as appearing in the 2014
104 Official Edition, is hereby amended by inserting "(j)" at the beginning of the third paragraph,
105 before the words "Nothing in this section...."