

SENATE No. 1209

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 to remove obstacles and expand abortion access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/9/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/9/2019</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/9/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/10/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/14/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/17/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/17/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/22/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/24/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/23/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/23/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/23/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/23/2019</i>

<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/25/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/25/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/28/2019</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/28/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/29/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/28/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>1/31/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/27/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/25/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/28/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/28/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/30/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/30/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>1/31/2019</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>6/11/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/1/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/1/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>4/1/2019</i>

SENATE No. 1209

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1209) of Harriette L. Chandler, Michael J. Barrett, James T. Welch, Rebecca L. Rausch and other members of the General Court for legislation to remove obstacles and expand abortion access. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to remove obstacles and expand abortion access.

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. Chapter 112 of the General Laws is hereby amended by striking out section
2 12K, as appearing in the 2016 Official Edition, and inserting in place thereof the following
3 section:

4 Section 12K. As used in section twelve L to section twelve U, inclusive, the following
5 words shall have the following meanings:

6 Abortion, any medical treatment intended to induce the termination of a clinically
7 diagnosable pregnancy except for the purpose of producing a live birth. The term abortion does
8 not include miscarriage management.

9 Hospital, a hospital as defined in section fifty-two of chapter one hundred and eleven of
10 the General Laws, and duly licensed under the provisions of section fifty-one of chapter one
11 hundred and eleven of the General Laws.

12 Physician, an individual lawfully authorized to practice medicine within the
13 Commonwealth.

14 Pregnancy, means the presence of an implanted human embryo or fetus within a person’s
15 uterus.

16 SECTION 2. Said Chapter 112 of the General Laws is hereby further amended by
17 striking out Sections 12L through 12U, inclusive, as so appearing, and inserting in place thereof
18 the following sections:

19 Section 12L. The Commonwealth shall not interfere with a person’s personal decision
20 and ability to prevent, commence, terminate, or continue their own pregnancy consistent with
21 this chapter. The Commonwealth shall not restrict the use of medically appropriate methods of
22 abortion or the manner in which medically appropriate abortion is provided.

23 Section 12M. A physician, acting within their lawful scope of practice, may perform an
24 abortion when, according to the physician’s best medical judgment, the patient is within twenty-
25 four weeks from the commencement of pregnancy, as defined in section 12K of this chapter. A
26 physician, acting within their lawful scope of practice, may perform an abortion when, according
27 to the physician’s best medical judgment based on the facts of the patient’s case, the patient is
28 beyond twenty-four weeks from the commencement of pregnancy and the abortion is necessary
29 to protect the patient’s life or physical or mental health, or in cases of lethal fetal anomalies, or
30 where the fetus is incompatible with sustained life outside the uterus. Medical judgment may be
31 exercised in the light of all factors—physical, emotional, psychological, familial, and the
32 person’s age—relevant to the well-being of the patient.

33 12N. Prior to performing an abortion, a physician shall obtain the pregnant patient's
34 written informed consent on a form prescribed by the Commissioner of Public Health. A
35 pregnant person seeking an abortion shall sign the consent form before the abortion is performed,
36 except in an emergency requiring immediate action. The consent form and any other forms shall
37 be confidential and may not be released to any person other than to the pregnant person to whom
38 such documents relate or the operating physician, except by the pregnant patient's written
39 consent; provided, however, that this requirement shall not impose any waiting period between
40 the signing of the consent form and the performance of the abortion.

41 12O. The department of public health shall have the authority to require aggregate
42 reports regarding induced termination of pregnancy pursuant to sections twenty-four A and
43 twenty-five A of chapter one hundred and eleven.

44 SECTION 3. Section 12F of Chapter 112 of the General Laws, as so appearing, is hereby
45 amended by striking out, in line 20, the words "abortion or".

46 SECTION 4. Section 10E of Chapter 118E of the General Laws, as so appearing, is
47 hereby amended by striking out, in lines 17 to 19, inclusive, clause (i) and inserting in place
48 thereof the following clause:-

49 (i) all medically necessary care relative to pregnancy, including but not limited to
50 abortion, care to maintain health during the course of the pregnancy and delivery, and newborn
51 hospital care;