

HOUSE No. 2409

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan

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 related to unborn victims of Down Syndrome.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/19/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/19/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/19/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/19/2021</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/24/2021</i>

HOUSE No. 2409

By Ms. Sullivan of Abington, a petition (accompanied by bill, House, No. 2409) of Alyson M. Sullivan and others related to unborn victims of Down Syndrome. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act related to unborn victims of Down Syndrome.

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 General Laws are hereby amended by inserting after chapter 112, the following

2 Chapter 112A:

3 CHAPTER 112A

4 UNBORN VICTIMS OF DOWN SYNDROME ACT

5 Section 1. This chapter shall be known and may be cited as the “Unborn Victims of
6 Down Syndrome Act.”

7 Section 2. As used in this section, the following words shall have the following meanings
8 unless the context clearly requires otherwise:

9 “Abortion” means the purposeful termination of a human pregnancy by any person with
10 an intention other than to produce a live birth or to remove a dead unborn child or embryo.

11 “Down syndrome” means a chromosome disorder associated with either an extra
12 chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-
13 one.

14 “Unborn child” means the developing human child in utero from conception to birth.

15 Section 3. (a) No person shall purposefully perform or induce or attempt to induce an
16 abortion on a pregnant woman, if the person has knowledge that the pregnant woman is seeking
17 the abortion, in whole or in part, because of any of the following: a test result indicating Down
18 syndrome in an unborn child; a prenatal diagnosis of Down syndrome in an unborn child; or any
19 other reason to believe that an unborn child has Down syndrome.

20 (b) Any physician, physician assistant, certified nurse practitioner, certified nurse
21 midwife, or other individual whether or not licensed by the Board of Registration in Medicine,
22 the Board of Registration in Nursing, the Board of Registration of Physician Assistants, or
23 otherwise authorized by law to practice medicine within the Commonwealth of Massachusetts,
24 who violates section 3(a), is guilty of performing or attempting to perform an abortion that was
25 being sought because of Down syndrome, a crime punishable by imprisonment in the state prison
26 for not more than fifteen years or by imprisonment in a jail or house of correction for not more
27 than two and one-half years or by a fine of not more than fifteen thousand dollars, or by both
28 such fine and imprisonment.

29 (c) The Board of Registration in Medicine, the Board of Registration in Nursing, and the
30 Board of Registration of Physician Assistants shall revoke the medical license to practice
31 medicine or nursing in this commonwealth of the physician, physician assistant, certified nurse

32 practitioner, certified nurse midwife, or other medically licensed individual who violates section
33 3(a).

34 (d) Any physician, physician assistant, certified nurse practitioner, certified nurse
35 midwife, or other individual who violates section 3(a) is liable in a civil action for compensatory
36 and exemplary damages and reasonable attorney's fees to any person, or the representative of the
37 estate of any person, who sustains injury, death, or loss to person or property as the result of the
38 performance or inducement or the attempted performance or inducement of the abortion. In any
39 action under this section, the court may also award any injunctive or other equitable relief that
40 the court considers appropriate.

41 (e) A pregnant woman on whom an abortion is performed or induced or attempted to be
42 performed or induced in violation of section 3(a) is not guilty of violating section 3(a) or of
43 attempting to commit, conspiring to commit, or complicity in committing a violation of section
44 3(a).

45 (f) If any provision in this chapter is held to be invalid, or if the application of any
46 provision in this chapter to any person or circumstance is held to be invalid, the invalidity of that
47 provision does not affect any other provisions or the application of this chapter.