

HOUSE No. 5090

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 3003; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to expand protections for reproductive and gender-affirming care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act expanding protections for reproductive and gender-affirming care”) of the House Bill expanding protections for reproductive rights (House, No. 4954), reports recommending passage of the accompanying bill (House, No. 5090). July 25, 2022.

Aaron Michlewitz	Cindy F. Friedman
Michael S. Day	Cynthia Stone Creem
Kimberly N. Ferguson	Bruce E. Tarr

HOUSE No. 5090

The Commonwealth of Massachusetts

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

An Act expanding protections for reproductive and gender-affirming care.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand protections for reproductive and gender-affirming care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 1 of chapter 9A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the definition of “Application assistant”
3 the following 3 definitions:-

4 “Gender-affirming health care services”, all supplies, care and services of a medical,
5 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative,
6 rehabilitative or supportive nature relating to the treatment of gender dysphoria.

7 “Legally-protected health care activity”, (i) the exercise and enjoyment, or attempted
8 exercise and enjoyment, by any person of rights to reproductive health care services or gender-
9 affirming health care services secured by the constitution or laws of the commonwealth or the
10 provision of insurance coverage for such services; or (ii) any act or omission undertaken to aid or
11 encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or

12 attempted exercise and enjoyment, of rights to reproductive health care services or gender-
13 affirming health care services secured by the constitution or laws of the commonwealth or to
14 provide insurance coverage for such services; provided, however, that the provision of such a
15 health care service by a person duly licensed under the laws of the commonwealth and physically
16 present in the commonwealth and the provision of insurance coverage for such services shall be
17 legally protected if the service is permitted under the laws of the commonwealth, regardless of
18 the patient’s location; and provided further, that “legally-protected health care activity” shall not
19 include any service rendered below an applicable professional standard of care or that would
20 violate anti-discrimination laws of the commonwealth.

21 “Reproductive health care services”, all supplies, care and services of a medical,
22 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative,
23 rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction,
24 miscarriage management or the termination of a pregnancy.

25 SECTION 2. Section 2 of said chapter 9A, as so appearing, is hereby amended by
26 striking out subsection (1) and inserting in place thereof the following subsection:-

27 (1)(a) Upon recommendation of an application assistant, an adult person, a parent or
28 guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated person
29 may apply to the secretary to have an address designated by the secretary serve as the person’s
30 address or the address of the minor or incapacitated person.

31 (b) Individuals engaged in the provision, facilitation or promotion of legally-protected
32 health care activity may apply to the secretary to have an address designated by the secretary

33 serve as the health care professional’s address; provided, however, that in such cases, no
34 recommendation of an application assistant shall be required.

35 SECTION 3. Said chapter 9A is hereby further amended by striking out section 7, as so
36 appearing, and inserting in place thereof the following section:-

37 Section 7. The secretary shall promulgate regulations to implement this chapter and in
38 doing so shall consult with the secretary of health and human services, Jane Doe Inc.: The
39 Massachusetts Coalition Against Sexual Assault and Domestic Violence, GLBTQ Legal
40 Advocates & Defenders, Inc., Planned Parenthood League of Massachusetts, Inc., ABCD, Inc.
41 on behalf of the MA Family Planning Association, The Massachusetts League of Community
42 Health Centers, Inc., the Maternal Outcomes for Translational Health Equity Research Lab,
43 Resilient Sisterhood Project, Inc., Health Care Without Walls, Inc., Our Bodies Ourselves and
44 Reproductive Equity Now, Inc.

45 SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after
46 section 11I the following 2 sections:-

47 Section 11I½. (a) As used in this section, the following words shall have the following
48 meanings unless the context clearly requires otherwise:

49 “Gender-affirming health care services”, all supplies, care and services of a medical,
50 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative,
51 rehabilitative or supportive nature relating to the treatment of gender dysphoria.

52 “Abusive litigation”, litigation or other legal action to deter, prevent, sanction or punish
53 any person engaging in legally-protected health care activity by: (i) filing or prosecuting any

54 action in any state other than the commonwealth where liability, in whole or part, directly or
55 indirectly, is based on legally-protected health care activity that occurred in the commonwealth,
56 including any action in which liability is based on any theory of vicarious, joint or several
57 liability derived therefrom; or (ii) attempting to enforce any order or judgment issued in
58 connection with any such action by any party to the action or any person acting on behalf of a
59 party to the action; provided, however, that a lawsuit shall be considered to be based on conduct
60 that occurred in the commonwealth if any part of any act or omission involved in the course of
61 conduct that forms the basis for liability in the lawsuit occurs or is initiated in the
62 commonwealth, whether or not such act or omission is alleged or included in any pleading or
63 other filing in the lawsuit.

64 “Legally-protected health care activity”, (i) the exercise and enjoyment, or attempted
65 exercise and enjoyment, by any person of rights to reproductive health care services or gender-
66 affirming health care services secured by the constitution or laws of the commonwealth or the
67 provision of insurance coverage for such services; or (ii) any act or omission undertaken to aid or
68 encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or
69 attempted exercise and enjoyment, of rights to reproductive health care services or gender-
70 affirming health care services secured by the constitution or laws of the commonwealth;
71 provided, however, that the provision of such a health care service by a person duly licensed
72 under the laws of the commonwealth and physically present in the commonwealth and the
73 provision of insurance coverage for such services shall be legally protected if the service is
74 permitted under the laws of the commonwealth, regardless of the patient's location; and provided
75 further, that “legally-protected health care activity” shall not include any service rendered below

76 an applicable professional standard of care or that would violate anti-discrimination laws of the
77 commonwealth.

78 “Reproductive health care services”, all supplies, care and services of a medical,
79 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative,
80 rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction,
81 miscarriage management or the termination of a pregnancy.

82 (b) Access to reproductive health care services and gender-affirming health care services
83 is a right secured by the constitution and laws of the commonwealth. Interference with this right,
84 whether or not under the color of law, is against the public policy of the commonwealth.

85 (c) Any public act or record of a foreign jurisdiction that prohibits, criminalizes,
86 sanctions, authorizes a person to bring a civil action against or otherwise interferes with a person,
87 provider, carrier or other entity in the commonwealth that seeks, receives, causes, aids in access
88 to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or
89 abet or provide, reproductive health care services or gender-affirming health care services shall
90 be an interference with the exercise and enjoyment of the rights secured by the constitution and
91 laws of the commonwealth and shall be a violation of the public policy of the commonwealth.

92 (d) If a person, including any plaintiff, prosecutor, attorney or law firm, whether or not
93 acting under color of law, engages or attempts to engage in abusive litigation that infringes on,
94 interferes with or attempts to infringe on or interfere with legally-protected health care activity,
95 any aggrieved person, provider, carrier or other entity, including any defendant in such abusive
96 litigation, may institute and prosecute a civil action for injunctive, monetary or other appropriate
97 relief within 3 years after the cause of action accrues.

98 Any aggrieved person, provider, carrier or other entity, including any defendant in such
99 abusive litigation, may move to modify or quash any subpoena issued in connection with such
100 abusive litigation on the grounds that the subpoena is unreasonable, oppressive or inconsistent
101 with the public policy of the commonwealth pursuant to the Massachusetts Rules of Civil
102 Procedure.

103 If the court finds for the petitioner in an action authorized by this section, recovery shall
104 be in the amount of actual damages, which shall include damages for the amount of any
105 judgment issued in connection with any abusive litigation, and any and all other expenses, costs
106 or reasonable attorney's fees incurred in connection with the abusive litigation.

107 (e) A court may exercise jurisdiction over a person in an action authorized by this section
108 if: (i) personal jurisdiction is found under section 3 of chapter 223A; (ii) the person has
109 commenced any action in any court in the commonwealth and, during the pendency of that
110 action or any appeal therefrom, a summons and complaint is served on the person or the attorney
111 appearing on the person's behalf in that action or as otherwise permitted by law; or (iii) the
112 exercise of jurisdiction is permitted under the Constitution of the United States.

113 (f) This section shall not apply to a lawsuit or judgment entered in another state that is
114 based on conduct for which a cause of action exists under the laws of the commonwealth if the
115 course of conduct that forms the basis for liability had occurred entirely in the commonwealth,
116 including any contract, tort, common law or statutory claims.

117 Section 11I³/₄. Notwithstanding any general or special law or common law conflict of law
118 rule to the contrary, the laws of the commonwealth shall govern in any case or controversy heard

119 in the commonwealth related to reproductive health care services or gender-affirming health care
120 services, as those terms are defined in section 11I½, except as may be required by federal law.

121 SECTION 5. Section 105 of chapter 13 of the General Laws, as amended by section 23 of
122 chapter 39 of the acts of 2021, is hereby further amended by adding the following 2 paragraphs:-

123 Notwithstanding any general or special law or rule or regulation to the contrary, a person
124 licensed under this section or in accordance with sections 255 or 256 of chapter 112, shall not be
125 subject to discipline by the board, including the revocation, suspension or cancellation of the
126 certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the
127 provision of reproductive health care services or gender-affirming health care services, as those
128 terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction
129 arising from such health care services if the services as provided would have been lawful and
130 consistent with the standards of conduct for genetic counselors if they occurred entirely in the
131 commonwealth; provided further, that the board shall not take adverse action on an application
132 for registration of a qualified genetic counselor based on a criminal or civil action or disciplinary
133 action by a licensing board of another state that arises from such health care services that, as
134 provided, would have been lawful and consistent with the standards of conduct for genetic
135 counselors if they occurred entirely in the commonwealth.

136 Nothing in this section shall be construed to regulate the practice of genetic counselors in
137 any other state.

138 SECTION 6. Chapter 15A of the General Laws is hereby amended by adding the
139 following 2 sections:-

140 Section 46. (a) As used in this section and section 47, the following words shall have the
141 following meanings unless the context clearly requires otherwise:

142 “Institution”, a public institution of higher education listed in section 5.

143 “Medication abortion”, abortion provided by medication techniques.

144 “Medication abortion readiness”, each institution’s preparedness to provide medication
145 abortions to students or assist students in obtaining medication abortions, including, but not
146 limited to, having in place equipment, protocols, patient educational materials, informational
147 websites and training for staff; provided, however, that “medication abortion readiness” may
148 include the provision of medication abortions.

149 “Health center”, a clinic or health center providing primary health care services to
150 students operated by an institution.

151 (b)(1) Each institution shall develop a medication abortion readiness plan for its students.

152 (2) The department of public health shall issue guidance to all institutions regarding the
153 required contents of medication abortion readiness plans in accordance with the varied
154 capabilities of institutions to provide services including, but not limited to, directly providing
155 medication abortions to students in a health center, providing referrals for abortion care services
156 not provided in the health center or providing information to students about obtaining a
157 medication abortion. In developing the guidance, the department shall consider factors including,
158 but not limited to, whether the institution has an operational health center on campus, the
159 institution’s proximity to a hospital, clinic or other facility that provides medication abortion,
160 availability, convenience and cost of public transportation between the institution and closest

161 facility that provides medication abortion and whether the institution employs health care
162 workers on campus.

163 (3) The department of public health shall review medication abortion readiness plans
164 annually, taking into consideration any changes to the capacity of each institution to provide
165 services to students since the preceding approval of the plan.

166 (c) Each institution shall annually submit any amendments or revisions to its medication
167 abortion readiness plan to the department of public health.

168 (d) Annually, not later than January 31, the department of public health shall determine
169 whether the plan is adequate in proportion to each institution's capacity. The department shall
170 provide further guidance to institutions with plans deemed inadequate that includes remedial
171 measures for the institution to develop an adequate plan.

172 Section 47. (a) There shall be established and set up on the books of the commonwealth a
173 separate fund to be known as the Public University Health Center Sexual and Reproductive
174 Health Preparation Fund for the purpose of medication abortion readiness. The fund shall be
175 administered by the department of public health, in consultation with the department of higher
176 education. The fund shall be credited with: (i) revenue from appropriations or other money
177 authorized by the general court and specifically designated to be credited to the fund; and (ii)
178 funds from non-state entities, including, but not limited to, gifts, grants and donations from
179 private entities and local and federal government agencies. Amounts credited to the fund shall
180 not be subject to further appropriation and any money remaining in the fund at the end of a fiscal
181 year shall not revert to the General Fund.

182 (b) The department of public health shall utilize money in the fund to:

183 (i) provide a grant to each health center to pay for the cost of direct and indirect
184 medication abortion readiness; provided, however, that, the department shall prioritize
185 applications from the University of Massachusetts and state university segments and create a
186 simple application process for community colleges to apply for funding; and provided further,
187 that allowable expenses under these grants shall include, but not be limited to: (A) the purchase
188 of equipment used in the provision of medication abortions; (B) facility and security upgrades;
189 (C) costs associated with enabling the health center to deliver telehealth services; (D) costs
190 associated with training staff in the provision of medication abortions; (E) staff cost
191 reimbursement and clinical revenue offset while staff are in trainings; and (F) billing specialist
192 consultation;

193 (ii) pay the direct and indirect costs of the department of public health associated with
194 administration of the fund, including the costs of hiring staff; and

195 (iii) maintain a system of financial reporting on all aspects of the fund.

196 (c) Each health center grantee shall, as a condition of receiving a grant award from the
197 fund, participate in an evaluation of its medication abortion readiness and its provision of
198 medication abortions.

199 (d) The department of public health, working with the health centers, shall assist and
200 advise on potential pathways for health centers to access public and private payers to provide
201 funding for ongoing costs of providing medication abortions.

202 (e)(1) Annually, not later than December 31, the department of public health shall submit
203 a report to the clerks of the senate and house of representatives, including, but not limited to, all
204 of the following information for each reporting period:

205 (i) an accounting of the medication abortion plans of all institutions, including, but not
206 limited to, a list of institutions that have submitted plans deemed adequate by the department, a
207 list of institutions that are actively developing a remedial plan and a list of institutions that have
208 not submitted an adequate plan to the department;

209 (ii) the number of medication abortions provided at health centers, disaggregated, to the
210 extent possible, by the health center;

211 (iii) the total amount of funds granted by the department of public health to each
212 institution and its health center from the fund that is expended on medication abortion readiness
213 and the total amount of any other funds expended on medication abortion readiness and the
214 source of those funds, disaggregated by use and, to the extent possible, health center; and

215 (iv) the total amount of funds expended on the provision of medication abortions and the
216 source of those funds, disaggregated by use and, to the extent possible, health center.

217 (2) The report required in paragraph (1) and any associated data collected shall comply
218 with state and federal privacy laws, including, but not limited to, section 70E of chapter 111, the
219 federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and the federal
220 Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

221 SECTION 7. Section 17C of chapter 32A of the General Laws, as appearing in the 2020
222 Official Edition, is hereby amended by inserting after the word “for”, in line 3, the following
223 words:- abortion as defined in section 12K of chapter 112, abortion-related care,.

224 SECTION 8. Said section 17C of said chapter 32A, as so appearing, is hereby further
225 amended by inserting after the second paragraph the following 2 paragraphs:-

226 Coverage provided under this section for abortion or abortion-related care shall not be
227 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement;
228 provided, however, that deductibles, coinsurance or copayments shall be required if the
229 applicable plan is governed by the federal Internal Revenue Code and would lose its tax-exempt
230 status as a result of the prohibition on deductibles, coinsurance or copayments for these services.
231 Coverage for abortion or abortion-related care offered under this section shall not impose
232 unreasonable restrictions or delays in the coverage.

233 Benefits for an enrollee under this section shall be the same for the enrollee's covered
234 spouse and covered dependents.

235 SECTION 9. Chapter 94C of the General Laws is hereby amended by striking out section
236 19A, as so appearing, and inserting in place thereof the following section:-

237 Section 19A. (a) As used in this section, unless the context clearly requires otherwise,
238 "emergency contraception" shall mean any drug approved by the federal Food and Drug
239 Administration as a contraceptive method for use after sexual intercourse, whether provided
240 over-the-counter or by prescription.

241 (b) The department shall ensure that a statewide standing order is issued to authorize the
242 dispensing of emergency contraception by a licensed pharmacist. The statewide standing order
243 shall include, but not be limited to, written, standardized procedures or protocols for the
244 dispensing of emergency contraception by a licensed pharmacist. Notwithstanding any general or
245 special law to the contrary, the commissioner, or a physician designated by the commissioner
246 who is registered to distribute or dispense a controlled substance in the course of professional

247 practice pursuant to section 7, shall issue a statewide standing order that may be used by a
248 licensed pharmacist to dispense emergency contraception under this section.

249 (c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may
250 dispense emergency contraception in accordance with the statewide standing order issued under
251 subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist who,
252 acting in good faith, dispenses emergency contraception shall not be subject to any criminal or
253 civil liability or any professional disciplinary action by the board of registration in pharmacy
254 related to the use or administration of emergency contraception.

255 (d) Before dispensing emergency contraception authorized under this section, a
256 pharmacist may complete a training program approved by the commissioner on emergency
257 contraception; provided, however, that the training shall include, but not be limited to, proper
258 documentation, quality assurance and referral to additional services, including appropriate
259 recommendation that the patient follow-up with a medical practitioner.

260 (e) A pharmacist dispensing emergency contraception under this section shall annually
261 provide to the department the number of times such emergency contraception is dispensed.
262 Reports made pursuant to this section shall not identify any individual patient, shall be
263 confidential and shall not be public records as defined by clause Twenty-sixth of section 7 of
264 chapter 4 or section 10 of chapter 66.

265 (f) Except for an act of gross negligence or willful misconduct, the commissioner or a
266 physician who issues the statewide standing order under subsection (b) and any medical
267 practitioner who, acting in good faith, directly or through the standing order, prescribes or

268 dispenses emergency contraception shall not be subject to any criminal or civil liability or any
269 professional disciplinary action.

270 (g) The department, board of registration in medicine, board of registration in nursing and
271 board of registration in pharmacy shall adopt regulations to implement this section.

272 SECTION 10. Chapter 112 of the General Laws is hereby amended by inserting after
273 section 5F the following section:-

274 Section 5F½. Notwithstanding any general or special law to the contrary, no person shall
275 be subject to discipline by the board, including the revocation, suspension or cancellation of the
276 certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the
277 provision of reproductive health care services or gender-affirming health care services, as those
278 terms are defined in section 111½ of chapter 12, or for any judgment, discipline or other sanction
279 arising from such health care services if the services as provided would have been lawful and
280 consistent with good medical practice if they occurred entirely in the commonwealth.

281 The board shall not make available for public dissemination on a physician's individual
282 profile the record of any criminal conviction or charge for a felony or serious misdemeanor, final
283 disciplinary action by a licensing board in another state or a medical malpractice court judgment,
284 arbitration award or settlement that resulted from providing or assisting in the provision of
285 reproductive health care services or gender-affirming health care services or for any judgment,
286 discipline or other sanction arising from such health care services if the services as provided
287 would have been lawful and consistent with good medical practice if they occurred entirely in
288 the commonwealth. The board shall not take adverse action on an application for registration of a
289 qualified physician based on a criminal or civil action, disciplinary action by a licensing board of

290 another state or a medical malpractice claim in another state arising from the provision of
291 reproductive health care services or gender-affirming health care services that, as provided,
292 would have been lawful and consistent with good medical practice if they occurred entirely in
293 the commonwealth.

294 Nothing in this section shall be construed to regulate the practice of medicine in any other
295 state.

296 SECTION 11. Section 9H of said chapter 112, as appearing in the 2020 Official Edition,
297 is hereby amended by inserting after the word “sections”, in line 4, the following words:- ;
298 provided, however, that notwithstanding any general or special law to the contrary, no person
299 shall be subject to discipline by the board, including the revocation, suspension or cancellation of
300 the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in
301 the provision of reproductive health care services or gender-affirming health care services, as
302 those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other
303 sanction arising from such health care services if the services as provided would have been
304 lawful and consistent with the standards of conduct for physician assistants if they occurred
305 entirely in the commonwealth; provided further, that the board shall not take adverse action on
306 an application for registration of a qualified physician assistant based on a criminal or civil
307 action or disciplinary action by a licensing board of another state that arises from such health
308 care services that, as provided, would have been lawful and consistent with the standards of
309 conduct for physician assistants if they occurred entirely in the commonwealth.

310 Nothing in this section shall be construed to regulate the practice of physician assistants
311 in any other state.

312 SECTION 12. Chapter 112 is hereby amended by striking out section 12N and inserting
313 in place thereof of the following section:-

314 Section 12N. If a pregnancy has existed for 24 weeks or more, no abortion may be
315 performed except by a physician, and only if in the best medical judgement of the physician it is:
316 (i) necessary to preserve the life of the patient; (ii) necessary to preserve the patient’s physical or
317 mental health; (iii) warranted because of a lethal fetal anomaly or diagnosis; or (iv) warranted
318 because of a grave fetal diagnosis that indicates that the fetus is incompatible with sustained life
319 outside of the uterus without extraordinary medical interventions.

320 SECTION 13. Said chapter 112 is hereby further amended by inserting after section 12N
321 the following section:-

322 Section 12N½. (a) Each circumstance permitting an abortion for a pregnancy that has
323 existed for 24 weeks or more under section 12N shall be considered independently by a treating
324 physician and a patient or the patient’s health care proxy. No medical review process shall
325 override a determination by a treating physician and a patient or the patient’s health care proxy to
326 provide an abortion consistent with said section 12N.

327 (b) Annually, not later than September 1, every facility authorized to perform health care
328 services under section 12N shall submit to the department of public health a written report that
329 includes the facility’s procedures and processes for providing services consistent with said
330 section 12N and this section.

331 SECTION 14. Section 32 of said chapter 112, as appearing in the 2020 Official Edition,
332 is hereby amended by striking out, in lines 6 and 7, the words “one hundred and thirty-eight” and
333 inserting in place thereof the following words:- 138; provided, however, that notwithstanding

334 any general or special law to the contrary, no person, pharmacy or pharmacy department shall be
335 subject to discipline by the board, including the revocation, suspension or cancellation of the
336 certificate of registration or reprimand, censure or monetary fine, for providing or assisting,
337 including dispensing of medication, in the provision of reproductive health care services or
338 gender-affirming health care services, as those terms are defined in section 111½ of chapter 12,
339 or for any judgment, discipline or other sanction arising from such health care services if the
340 services as provided would have been lawful and consistent with the code of professional
341 conduct for pharmacists if they occurred entirely in the commonwealth; provided further, that the
342 board shall not take adverse action on an application for registration of a qualified pharmacist
343 based on a criminal or civil action or disciplinary action by a licensing board of another state that
344 arises from such health care services, including the dispensing of medication, that, as provided,
345 would have been lawful and consistent with the code of professional conduct for pharmacists if
346 they occurred entirely in the commonwealth.

347 Nothing in this section shall be construed to regulate the practice of pharmacists in any
348 other state.

349 SECTION 15. Section 77 of said chapter 112, as so appearing, is hereby amended by
350 adding the following 4 paragraphs:-

351 Notwithstanding any general or special law to the contrary, no person shall be subject to
352 discipline by the board, including the revocation, suspension or cancellation of the certificate of
353 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of
354 reproductive health care services or gender-affirming health care services, as those terms are
355 defined in section 111½ of chapter 12, or for any judgment, discipline or other sanction arising

356 from such health care services if the services as provided would have been lawful and consistent
357 with the standard of conduct for nurses if they occurred entirely in the commonwealth.

358 The board shall not make available for public dissemination on an advanced practice
359 registered nurse's individual profile the record of any criminal conviction or charge for a felony
360 or serious misdemeanor, final disciplinary action by a licensing board in another state or a
361 malpractice court judgment, arbitration award or settlement that resulted from providing or
362 assisting in the provision of reproductive health care services or gender-affirming health care
363 services or for any judgment, discipline or other sanction arising from such health care services if
364 the services as provided would have been lawful and consistent with the scope and standards of
365 advanced practice registered nursing practice if they occurred entirely in the commonwealth.

366 The board shall not take adverse action on an application for registration of a qualified
367 nurse based on a criminal or civil action or disciplinary action by a licensing board of another
368 state or a medical malpractice claim in another state arising from such health care services that,
369 as provided, would have been lawful and consistent with the standard of conduct for nurses if
370 they occurred entirely in the commonwealth.

371 Nothing in this section shall be construed to regulate the practice of nursing in any other
372 state.

373 SECTION 16. Section 128 of said chapter 112, as so appearing, is hereby amended by
374 inserting after the word “inclusive”, in line 4, the following words:- ; provided, however, that
375 notwithstanding any general or special law to the contrary, no person shall be subject to
376 discipline by the board, including the revocation, suspension or cancellation of the certificate of
377 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of

378 reproductive health care services or gender-affirming health care services, as those terms are
379 defined in section 111½ of chapter 12, or for any judgment, discipline or other sanction arising
380 from such health care services if the services as provided would have been lawful and consistent
381 with the standard of conduct adopted by the board by regulation if they occurred entirely in the
382 commonwealth; provided further, that the board shall not take adverse action on an application
383 for registration of a qualified psychologist based on a criminal or civil action or disciplinary
384 action by a licensing board of another state that arises from such health care services that, as
385 provided, would have been lawful and consistent with the standard of conduct adopted by the
386 board by regulation if they occurred entirely in the commonwealth.

387 Nothing in this section shall be construed to regulate the practice of psychology in any
388 other state.

389 SECTION 17. Section 137 of said chapter 112, as so appearing, is hereby amended by
390 inserting after the word “practice”, in line 8, the following words:- ; provided, however, that
391 notwithstanding any general or special law to the contrary, no person shall be subject to
392 discipline by the board, including the revocation, suspension or cancellation of the certificate of
393 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of
394 reproductive health care services or gender-affirming health care services, as those terms are
395 defined in section 111½ of chapter 12, or for any judgment, discipline or other sanction arising
396 from such health care services if the services as provided would have been lawful and consistent
397 with the standards of professional practice and conduct for social workers if they occurred
398 entirely in the commonwealth; provided further, that the board shall not take adverse action on
399 an application for registration of a qualified social worker based on a criminal or civil action or
400 disciplinary action by a licensing board of another state that arises from such health care services

401 that, as provided, would have been lawful and consistent with the standards of professional
402 practice and conduct for social workers if they occurred entirely in the commonwealth.

403 Nothing in this section shall be construed to regulate the practice of social work in any
404 other state.

405 SECTION 18. Section 10A of chapter 118E of the General Laws, as so appearing, is
406 hereby amended by inserting after the words “coverage for”, in line 1, the following words:-
407 abortion, as defined in section 12K of chapter 112, abortion-related care,.

408 SECTION 19. Said section 10A of said chapter 118E, as so appearing, is hereby further
409 amended by adding the following paragraph:-

410 Coverage provided under this section shall not be subject to any deductible, coinsurance,
411 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
412 impose unreasonable restrictions or delays in the coverage.

413 SECTION 20. Chapter 147 of the General Laws is hereby amended by adding the
414 following section:-

415 Section 63. (a) As used in this section, the following words shall have the following
416 meanings unless the context clearly requires otherwise:

417 “Law enforcement agency of the commonwealth”, any state, municipal, college or
418 university police department, sheriff’s department, correctional facility, prosecutorial office,
419 court, probation office, or a program of more than 1 of any such entity, or any other non-federal
420 entity in the commonwealth charged with the enforcement of laws or the custody of detained
421 persons.

422 (b) Notwithstanding any general or special law to the contrary and except as required by
423 federal law, no officer or employee of a law enforcement agency of the commonwealth, while
424 acting under color of law, shall provide information or assistance to a federal law enforcement
425 agency or any other state’s law enforcement agency or any private citizen or quasi-law
426 enforcement agent in relation to an investigation or inquiry into services constituting legally-
427 protected health care activity, as defined in section 11I½ of chapter 12, if such services would be
428 lawful as provided if they occurred entirely in the commonwealth.

429 SECTION 21. Section 47F of chapter 175 of the General Laws, as appearing in the 2020
430 Official Edition, is hereby amended by inserting after the word “of”, in line 20, the following
431 words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

432 SECTION 22. Said section 47F of said chapter 175, as so appearing, is hereby further
433 amended by inserting after the third paragraph the following 3 paragraphs:-

434 Coverage provided under this section for abortion or abortion-related care shall not be
435 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement;
436 provided, however, that deductibles, coinsurance or copayments shall be required if the
437 applicable plan is governed by the federal Internal Revenue Code and would lose its tax-exempt
438 status as a result of the prohibition on deductibles, coinsurance or copayments for these services.
439 Coverage offered under this section for abortion or abortion-related care shall not impose
440 unreasonable restrictions or delays in the coverage.

441 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
442 spouse and covered dependents.

443 A policy of accident and sickness insurance that is purchased by an employer that is a
444 church or qualified church-controlled organization, as those terms are defined in subsection (j) of
445 section 47W, shall be exempt from covering abortion or abortion-related care at the request of
446 the employer. An employer that invokes the exemption under this section shall provide written
447 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the
448 health care methods and services for which the employer will not provide coverage for religious
449 reasons.

450 SECTION 23. Section 193U of said chapter 175, as so appearing, is hereby amended by
451 inserting after the word “specialty”, in line 14, the following words:- ; provided further, that no
452 medical malpractice insurer shall discriminate against a provider or adjust or otherwise calculate
453 a provider’s risk classification or premium charges on the basis that, applying the definitions of
454 section 11I½ of chapter 12: (i) the health care provider offers reproductive health care services or
455 gender-affirming health care services that are unlawful in another state; (ii) another state’s laws
456 create potential or actual liability for those services; or (iii) abusive litigation against a provider
457 concerning reproductive health care services or gender-affirming health care services resulted in
458 a judgment against the provider, if such health care services would be lawful and consistent with
459 good medical practice as provided if they occurred entirely in the commonwealth.

460 SECTION 24. Section 8H of chapter 176A of the General Laws, as so appearing, is
461 hereby amended by inserting after the words “expense for”, in line 8, the following words:-
462 abortion, as defined in section 12K of chapter 112, abortion-related care,.

463 SECTION 25. Said section 8H of said chapter 176A, as so appearing, is hereby further
464 amended by striking out, in lines 9 and 10, the words “to the same extent that benefits are
465 provided for medical conditions not related to pregnancy”.

466 SECTION 26. Said section 8H of said chapter 176A, as so appearing, is hereby further
467 amended by inserting after the third paragraph the following 3 paragraphs:-

468 Coverage provided under this section for abortion or abortion-related care shall not be
469 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement;
470 provided, however, that deductibles, coinsurance or copayments shall be required if the
471 applicable plan is governed by the federal Internal Revenue Code and would lose its tax-exempt
472 status as a result of the prohibition on deductibles, coinsurance or copayments for these services.
473 Coverage offered under this section for abortion or abortion-related care shall not impose
474 unreasonable restrictions or delays in the coverage.

475 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
476 spouse and covered dependents.

477 A policy of accident and sickness insurance that is purchased by an employer that is a
478 church or qualified church-controlled organization, as those terms are defined in subsection (j) of
479 section 8W, shall be exempt from covering abortion or abortion-related care at the request of the
480 employer. An employer that invokes the exemption under this subsection shall provide written
481 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the
482 health care methods and services for which the employer will not provide coverage for religious
483 reasons.

484 SECTION 27. Section 4H of chapter 176B of the General Laws, as so appearing, is
485 hereby amended by inserting after the words “expense for”, in lines 7 and 8, the following
486 words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

487 SECTION 28. Said section 4H of said chapter 176B, as so appearing, is hereby further
488 amended by striking out, in lines 8 to 10, inclusive, the words “to the same extent that benefits
489 are provided for medical conditions not related to pregnancy”.

490 SECTION 29. Said section 4H of said chapter 176B, as so appearing, is hereby further
491 amended by inserting after the third paragraph the following 3 paragraphs:-

492 Coverage provided under this section for abortion or abortion-related care shall not be
493 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement;
494 provided, however, that deductibles, coinsurance or copayments shall be required if the
495 applicable plan is governed by the federal Internal Revenue Code and would lose its tax-exempt
496 status as a result of the prohibition on deductibles, coinsurance or copayments for these services.
497 Coverage offered under this section for abortion or abortion-related care shall not impose
498 unreasonable restrictions or delays in the coverage.

499 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
500 spouse and covered dependents.

501 A policy of accident and sickness insurance that is purchased by an employer that is a
502 church or qualified church-controlled organization, as those terms are defined in subsection (j) of
503 section 4W, shall be exempt from covering abortion or abortion-related care at the request of the
504 employer. An employer that invokes the exemption under this subsection shall provide written
505 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the

506 health care methods and services for which the employer will not provide coverage for religious
507 reasons.

508 SECTION 30. Section 4I of chapter 176G of the General Laws, as so appearing, is hereby
509 amended by inserting after the words “coverage for”, in lines 1 and 2, the following words:-
510 abortion, as defined in section 12K of chapter 112, abortion-related care,.

511 SECTION 31. Said section 4I of said chapter 176G, as so appearing, is hereby further
512 amended by inserting after the second paragraph the following 3 paragraphs:-

513 Coverage provided under this section for abortion or abortion-related care shall not be
514 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement;
515 provided, however, that deductibles, coinsurance or copayments shall be required if the
516 applicable plan is governed by the federal Internal Revenue Code and would lose its tax-exempt
517 status as a result of the prohibition on deductibles, coinsurance or copayments for these services.
518 Coverage offered under this section for abortion or abortion-related care shall not impose
519 unreasonable restrictions or delays in the coverage.

520 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
521 spouse and covered dependents.

522 A health maintenance contract that is purchased by an employer that is a church or
523 qualified church-controlled organization, as those terms are defined in subsection (j) of section
524 4O, shall be exempt from covering abortion or abortion-related care at the request of the
525 employer. An employer that invokes the exemption under this subsection shall provide written
526 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the

527 health care methods and services for which the employer will not provide coverage for religious
528 reasons.

529 SECTION 32. Section 4A of chapter 218 of the General Laws, as so appearing, is hereby
530 amended by inserting after the word “filing”, in line 20, the following words:- ; provided further,
531 that, except as required by federal law, a judgment creditor shall not file a copy of any foreign
532 judgment under this section if the judgment was issued in connection with any litigation
533 concerning legally-protected health care activity, as defined in section 11I½ of chapter 12.

534 SECTION 33. Subsection (g) of said section 4A of said chapter 218, as so appearing, is
535 hereby amended by adding the following sentence:- In any action filed to enforce a judgment
536 issued in connection with any litigation concerning legally-protected health care activity, as
537 defined in section 11I½ of chapter 12, the court in the commonwealth hearing the action shall not
538 give any force or effect to any judgment issued without jurisdiction.

539 SECTION 34. Section 11 of chapter 223A of the General Laws, as so appearing, is
540 hereby amended by adding the following paragraph:-

541 Notwithstanding any other provision of this section to the contrary and except as required
542 by federal law, a court of this commonwealth shall not order a person who is domiciled or found
543 within this commonwealth to give testimony or statement or produce documents or other things
544 for use in connection with any proceeding in a tribunal outside the commonwealth concerning
545 legally-protected health care activity, as defined in section 11I½ of chapter 12.

546 SECTION 35. Section 59H of chapter 231 of the General Laws, as so appearing, is
547 hereby amended by inserting after the word “case”, in line 1, the following words:- , except a
548 case brought pursuant to section 11I½ of chapter 12,.

549 SECTION 36. Section 13A of chapter 233 of the General Laws, as so appearing, is
550 hereby amended by inserting after the word “summons”, in line 32, the following words:- ,
551 except that no justice or special justice shall issue a summons in a case, except as required by
552 federal law, where prosecution is pending concerning legally-protected health care activity, as
553 defined in section 11I½ of chapter 12, or where a grand jury investigation concerning legally-
554 protected health care activity has commenced or is about to commence for a criminal violation of
555 a law of such other state unless the acts forming the basis of the prosecution or investigation
556 would also constitute an offense if occurring entirely in the commonwealth.

557 SECTION 37. Section 21A of chapter 272 of the General Laws, as so appearing, is
558 hereby amended by striking out the third paragraph and inserting in place thereof the following
559 paragraph:- This section shall not be construed to permit the sale or dispensing of prescription
560 drugs or devices for the prevention of pregnancy or conception by a vending machine or similar
561 device.

562 SECTION 38. Section 13 of chapter 276 of the General Laws, as so appearing, is hereby
563 amended by striking out the first paragraph and inserting in place thereof the following 2
564 paragraphs:-

565 The governor may also surrender, on demand of the executive authority of any other
566 state, any person in the commonwealth charged in such other state in the manner provided in
567 section 14 with committing an act in this commonwealth, or in a third state, intentionally
568 resulting in a crime in the state whose executive authority is making the demand, hereafter in this
569 section and in sections 14 to 20P, inclusive, referred to as the demanding state, only when the
570 acts for which extradition is sought would be punishable by the laws of the commonwealth if the

571 consequences claimed to have resulted therefrom in the demanding state had taken effect in this
572 commonwealth and the provisions of sections 11 to 20R, inclusive, not otherwise inconsistent
573 shall apply to such cases even though the accused was not in the demanding state at the time of
574 the commission of the crime and has not fled therefrom; provided, however, that the governor
575 may, in the governor's discretion, make any such surrender conditional upon agreement by the
576 executive authority of the demanding state that the person so surrendered will be held to answer
577 no criminal charges of any nature except those set forth in the requisition upon which such
578 person is so surrendered, at least until such person has been given reasonable opportunity to
579 return to the commonwealth after the person's acquittal, if the person shall be acquitted, or after
580 the person shall be released from confinement, if the person shall be convicted.

581 Except as required by federal law, the governor shall not surrender a person charged in
582 another state as a result of engaging in legally-protected health care activity, as defined in section
583 11I½ of chapter 12, unless the executive authority of the demanding state shall allege in writing
584 that the accused was physically present in the demanding state at the time of the commission of
585 the alleged offense and that thereafter the accused fled from the demanding state.

586 SECTION 39. Section 14 of said chapter 276, as so appearing, is hereby amended by
587 inserting the after word "state", in line 7, the following words:- only when the acts for which the
588 demand for interstate rendition is sought would be punishable by the laws of the commonwealth,
589 if the consequences claimed to have resulted therefrom in the demanding state had taken effect in
590 this commonwealth.

591 SECTION 40. Section 20A of said chapter 276, as so appearing, is hereby amended by
592 inserting after the word “thirteen”, in lines 5 and 12 and 13, the following words:- , with the
593 exception of cases for which the governor shall not surrender a person under said section 13.

594 SECTION 41. Section 20B of said chapter 276, as so appearing, is hereby amended by
595 adding the following sentence:- This section shall not apply to cases arising under section 13 for
596 which the governor shall not surrender a person.

597 SECTION 42. Section 20C of said chapter 276, as so appearing, is hereby amended by
598 inserting after the word “thirteen”, in line 4, the following words:- , with the exception of cases
599 for which the governor shall not surrender a person under said section 13.

600 SECTION 43. Not later than April 1, 2023, the department of public health, in
601 consultation with Reproductive Equity Now, Inc., shall issue a report to the senate and house
602 committees on ways and means and the joint committee on public health identifying areas of the
603 commonwealth in which pregnant people do not have access to abortion, as defined in section
604 12K of chapter 112 of the General Laws, or birth care within a radius of 50 miles and providing
605 recommendations to facilitate access to abortion and birth care in the identified areas. The report
606 shall be made publicly available on the department’s website.

607 SECTION 44. Sections 7, 8, 18, 19, 21, 22 and 24 to 31, inclusive, shall apply to all
608 policies, contracts and certificates of health insurance subject to chapters 32A, 118E, 175, 176A,
609 176B and 176G of the General Laws that are delivered, issued or renewed on or after January 1,
610 2023.

611 SECTION 45. An institution, as defined in section 46 of chapter 15A of the General
612 Laws, shall not be required to utilize money from its general fund or student fees for medication
613 abortion readiness required under said section 46 of said chapter 15A until January 1, 2026.

614 SECTION 46. Each institution's first medication abortion readiness plan as required
615 under subsection (b) of section 46 of chapter 15A of the General Laws shall be submitted to the
616 department of public health not later than November 30, 2023 and the department shall review
617 such plans for suitability by January 31, 2024.

618 SECTION 47. Subsections (c) and (d) of section 46 of chapter 15A of the General Laws
619 shall take effect on February 1, 2024.