

SENATE No. 2996

Senate, July 11, 2022 -- Text of the Senate amendment (Senator Friedman) to the House Bill expanding protections for reproductive rights (House, No. 4954).

The Commonwealth of Massachusetts

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

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 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.

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

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

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

29 (b) Individuals engaged in the provision, facilitation or promotion of legally-protected
30 health care activity may apply to the secretary to have an address designated by the secretary
31 serve as the health care professional's address; provided, however, that in such cases, no
32 recommendation of an application assistant shall be required.

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

35 Section 7. The secretary shall promulgate regulations to implement this chapter and in
36 doing so shall consult with the secretary of health and human services, Jane Doe Inc.: The
37 Massachusetts Coalition Against Sexual Assault and Domestic Violence, GLBTQ Legal

38 Advocates & Defenders, Inc., Planned Parenthood League of Massachusetts, Inc. and
39 Reproductive Equity Now, Inc.

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

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

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

47 “Interfere through abusive litigation”, to deter, prevent, sanction or punish any person
48 engaging in legally-protected health care activity by: (i) filing or prosecuting any action in any
49 state other than the commonwealth where liability, in whole or part, directly or indirectly, is
50 based on legally-protected health care activity that occurred in the commonwealth, including any
51 action in which liability is based on any theory of vicarious, joint or several liability derived
52 therefrom; or (ii) attempting to enforce any order or judgment issued in connection with any such
53 action by any party to the action or any person acting on behalf of a party to the action; provided,
54 however, that a lawsuit shall be considered to be based on conduct that occurred in the
55 commonwealth if any part of any act or omission involved in the course of conduct that forms
56 the basis for liability in the lawsuit occurs or is initiated in the commonwealth, whether or not
57 such act or omission is alleged or included in any pleading or other filing in the lawsuit.

58 “Legally-protected health care activity”, (i) the exercise and enjoyment, or attempted
59 exercise and enjoyment, by any person of rights to reproductive health care services or gender-

60 affirming health care services secured by the constitution or laws of the commonwealth or the
61 provision of insurance coverage for such services; or (ii) any act or omission undertaken to aid or
62 encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or
63 attempted exercise and enjoyment, of rights to reproductive health care services or gender-
64 affirming health care services secured by the constitution or laws of the commonwealth;
65 provided, however, that the provision of such a health care service by a person duly licensed
66 under the laws of the commonwealth and physically present in the commonwealth and the
67 provision of insurance coverage for such services shall be legally protected if the service is
68 permitted under the laws of the commonwealth, regardless of the patient's location.

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

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

76 (c) Any public act or record of a foreign jurisdiction that prohibits, criminalizes,
77 sanctions, authorizes a person to bring a civil action against or otherwise interferes with a person,
78 provider, carrier or other entity in the commonwealth that seeks, receives, causes, aids in access
79 to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or
80 abet or provide, reproductive health care services or gender-affirming health care services shall

81 be an interference with the exercise and enjoyment of the rights secured by the constitution and
82 laws of the commonwealth and shall be a violation of the public policy of the commonwealth.

83 (d) If a person, including any plaintiff, prosecutor, attorney or law firm, whether or not
84 acting under color of law, interferes or attempts to interfere through abusive litigation with
85 legally-protected health care activity, any aggrieved person, provider, carrier or other entity,
86 including any defendant in such abusive litigation, may institute and prosecute a civil action for
87 injunctive, monetary or other appropriate relief within 3 years after the cause of action accrues.

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

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

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

102 Section 11I ³/₄. Notwithstanding any general or special law or common law conflict of
103 law rule to the contrary, the laws of the commonwealth shall govern in any case or controversy
104 heard in the commonwealth related to reproductive health care services or gender-affirming
105 health care services, as those terms are defined in section 11I¹/₂, except as may be required by
106 federal law.

107 SECTION 5. Section 17C of chapter 32A of the General Laws, as appearing in the 2020
108 Official Edition, is hereby amended by inserting after the word “for”, in line 3, the following
109 words:- abortion as defined in section 12K of chapter 1 12, abortion-related care,.

110 SECTION 6. Said section 17C of said chapter 32A, as so appearing, is hereby further
111 amended by inserting after the second paragraph the following 2 paragraphs:-

112 Coverage provided under this section for abortion or abortion-related care shall not be
113 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.

114 Coverage for abortion or abortion-related care offered under this section shall not impose
115 unreasonable restrictions or delays in the coverage.

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

118 SECTION 7. Chapter 94C of the General Laws is hereby amended by striking out section
119 19A, as so appearing, and inserting in place thereof the following section:-

120 Section 19A. (a) As used in this section, unless the context clearly requires otherwise,
121 “emergency contraception” shall mean any drug approved by the federal Food and Drug

122 Administration as a contraceptive method for use after sexual intercourse, whether provided
123 over-the-counter or by prescription.

124 (b) The department shall ensure that a statewide standing order is issued to authorize the
125 dispensing of emergency contraception by a licensed pharmacist. The statewide standing order
126 shall include, but not be limited to, written, standardized procedures or protocols for the
127 dispensing of emergency contraception by a licensed pharmacist. Notwithstanding any general or
128 special law to the contrary, the commissioner, or a physician designated by the commissioner
129 who is registered to distribute or dispense a controlled substance in the course of professional
130 practice pursuant to section 7, shall issue a statewide standing order that may be used by a
131 licensed pharmacist to dispense emergency contraception under this section.

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

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

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

148 (f) Except for an act of gross negligence or willful misconduct, the commissioner or a
149 physician who issues the statewide standing order under subsection (b) and any medical
150 practitioner who, acting in good faith, directly or through the standing order, prescribes or
151 dispenses emergency contraception shall not be subject to any criminal or civil liability or any
152 professional disciplinary action.

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

155 SECTION 8. Chapter 112 of the General Laws is hereby amended by inserting after
156 section 5F the following section:-

157 Section 5F½. Notwithstanding any general or special law to the contrary, no person shall
158 be subject to discipline by the board, including the revocation, suspension or cancellation of the
159 certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the
160 provision of reproductive health care services or gender-affirming health care services, as those
161 terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction
162 arising from such health care services if the services as provided would have been lawful and
163 consistent with good medical practice if they occurred entirely in the commonwealth.

164 The board shall not make available for public dissemination on a physician’s individual
165 profile record of any criminal conviction or charge for a felony or serious misdemeanor, final
166 disciplinary action by a licensing board in another state or a medical malpractice court judgment,
167 arbitration award or settlement that resulted from providing or assisting in the provision of
168 reproductive health care services or gender-affirming health care services or for any judgment,
169 discipline or other sanction arising from such health care services if the services as provided
170 would have been lawful and consistent with good medical practice if they occurred entirely in
171 the commonwealth. The board shall not take adverse action on an application for registration of a
172 qualified physician based on a criminal or civil action, disciplinary action by a licensing board of
173 another state or a medical malpractice claim in another state arising from the provision of
174 reproductive health care services or gender-affirming health care services that, as provided,
175 would have been lawful and consistent with good medical practice if they occurred entirely in
176 the commonwealth.

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

179 SECTION 9. Section 9H of said chapter 112, as appearing in the 2020 Official Edition, is
180 hereby amended by inserting after the word “sections”, in line 4, the following words:- ;
181 provided, however, that notwithstanding any general or special law to the contrary, no person
182 shall be subject to discipline by the board, including the revocation, suspension or cancellation of
183 the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in
184 the provision of reproductive health care services or gender-affirming health care services, as
185 those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other
186 sanction arising from such health care services if the services as provided would have been

187 lawful and consistent with the standards of conduct for physician assistants if they occurred
188 entirely in the commonwealth; provided further, that the board shall not take adverse action on
189 an application for registration of a qualified physician assistant based on a criminal or civil
190 action or disciplinary action by a licensing board of another state that arises from such health
191 care services that, as provided, would have been lawful and consistent with the standards of
192 conduct for physician assistants if they occurred entirely in the commonwealth.

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

195 SECTION 10. Section 32 of said chapter 112, as so appearing, is hereby amended by
196 striking out, in lines 6 and 7, the words “one hundred and thirty-eight” and inserting in place
197 thereof the following words:- 138; provided, however, that notwithstanding any general or
198 special law to the contrary, no person, pharmacy or pharmacy department shall be subject to
199 discipline by the board, including the revocation, suspension or cancellation of the certificate of
200 registration or reprimand, censure or monetary fine, for providing or assisting, including
201 dispensing of medication, in the provision of reproductive health care services or gender-
202 affirming health care services, as those terms are defined in section 11I ½ of chapter 12, or for
203 any judgment, discipline or other sanction arising from such health care services if the services
204 as provided would have been lawful and consistent with the code of professional conduct for
205 pharmacists if they occurred entirely in the commonwealth; provided further, that the board shall
206 not take adverse action on an application for registration of a qualified pharmacist based on a
207 criminal or civil action or disciplinary action by a licensing board of another state that arises
208 from such health care services, including the dispensing of medication, that, as provided, would

209 have been lawful and consistent with the code of professional conduct for pharmacists if they
210 occurred entirely in the commonwealth.

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

213 SECTION 11. Section 77 of said chapter 112, as so appearing, is hereby amended by
214 adding the following 4 paragraphs:-

215 Notwithstanding any general or special law to the contrary, no person shall be subject to
216 discipline by the board, including the revocation, suspension or cancellation of the certificate of
217 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of
218 reproductive health care services or gender-affirming health care services, as those terms are
219 defined in section 11I ½ of chapter 12, or for any judgment, discipline or other sanction arising
220 from such health care services if the services as provided would have been lawful and consistent
221 with the standard of conduct for nurses if they occurred entirely in the commonwealth.

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

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

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

238 SECTION 12. Section 128 of said chapter 112, as so appearing, is hereby amended by
239 inserting after the word “inclusive”, in line 4, the following words:- ; provided, however, that
240 notwithstanding any general or special law to the contrary, no person shall be subject to
241 discipline by the board, including the revocation, suspension or cancellation of the certificate of
242 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of
243 reproductive health care services or gender-affirming health care services, as those terms are
244 defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising
245 from such health care services if the services as provided would have been lawful and consistent
246 with the standard of conduct adopted by the board by regulation if they occurred entirely in the
247 commonwealth; provided further, that the board shall not take adverse action on an application
248 for registration of a qualified psychologist based on a criminal or civil action or disciplinary
249 action by a licensing board of another state that arises from such health care services that, as
250 provided, would have been lawful and consistent with the standard of conduct adopted by the
251 board by regulation if they occurred entirely in the commonwealth.

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

254 SECTION 13. Section 137 of said chapter 112, as so appearing, is hereby amended by
255 inserting after the word “practice”, in line 8, the following words:- ; provided, however, that
256 notwithstanding any general or special law to the contrary, no person shall be subject to
257 discipline by the board, including the revocation, suspension or cancellation of the certificate of
258 registration or reprimand, censure or monetary fine, for providing or assisting in the provision of
259 reproductive health care services or gender-affirming health care services, as those terms are
260 defined in section 11I ½ of chapter 12, or for any judgment, discipline or other sanction arising
261 from such health care services if the services as provided would have been lawful and consistent
262 with the standards of professional practice and conduct for social workers if they occurred
263 entirely in the commonwealth; provided further, that the board shall not take adverse action on
264 an application for registration of a qualified social worker based on a criminal or civil action or
265 disciplinary action by a licensing board of another state that arises from such health care services
266 that, as provided, would have been lawful and consistent with the standards of professional
267 practice and conduct for social workers if they occurred entirely in the commonwealth.

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

270 SECTION 14. Section 10A of chapter 118E of the General Laws, as so appearing, is
271 hereby amended by inserting after the word “for”, in line 1, the following words:- abortion, as
272 defined in section 12K of chapter 112, abortion-related care,.

273 SECTION 15. Said section 10A of said chapter 118E, as so appearing, is hereby further
274 amended by adding the following paragraph:-

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

278 SECTION 16. Chapter 147 of the General Laws is hereby amended by adding the
279 following section:-

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

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

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

294 SECTION 17. Section 47F of chapter 175 of the General Laws, as appearing in the 2020
295 Official Edition, is hereby amended by inserting after the word “of”, in line 20, the following
296 words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

297 SECTION 18. Said section 47F of said chapter 175, as so appearing, is hereby further
298 amended by inserting after the third paragraph the following 3 paragraphs:-

299 Coverage provided under this section for abortion or abortion-related care shall not be
300 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.

301 Coverage offered under this section for abortion or abortion-related care shall not impose
302 unreasonable restrictions or delays in the coverage.

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

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

312 SECTION 19. Section 193U of said chapter 175, as so appearing, is hereby amended by
313 inserting after the word “specialty”, in line 14, the following words:- ; provided further, that no
314 medical malpractice insurer shall discriminate against a provider or adjust or otherwise calculate
315 a provider’s risk classification or premium charges on the basis that, applying the definitions of

316 section 11I½ of chapter 12: (i) the health care provider offers reproductive health care services or
317 gender-affirming health care services that are unlawful in another state; (ii) another state’s laws
318 create potential or actual liability for those services; or (iii) abusive litigation against a provider
319 concerning reproductive health care services or gender-affirming health care services resulted in
320 a judgment against the provider, if such health care services would be lawful and consistent with
321 good medical practice as provided if they occurred entirely in the commonwealth.

322 SECTION 20. Section 8H of chapter 176A of the General Laws, as so appearing, is
323 hereby amended by inserting after the word “for”, in line 8, the second time it appears, the
324 following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

325 SECTION 21. Said section 8H of said chapter 176A, as so appearing, is hereby further
326 amended by striking out, in lines 9 and 10, the words “to the same extent that benefits are
327 provided for medical conditions not related to pregnancy”.

328 SECTION 22. Said section 8H of said chapter 176A, as so appearing, is hereby further
329 amended by inserting after the third paragraph the following 3 paragraphs:-

330 Coverage provided under this section for abortion or abortion-related care shall not be
331 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.

332 Coverage offered under this section for abortion or abortion-related care shall not impose
333 unreasonable restrictions or delays in the coverage.

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

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

343 SECTION 23. Section 4H of chapter 176B of the General Laws, as so appearing, is
344 hereby amended by inserting after the word “for”, in line 8, the following words:- abortion, as
345 defined in section 12K of chapter 112, abortion-related care,.

346 SECTION 24. Said section 4H of said chapter 176B, as so appearing, is hereby further
347 amended by striking out, in lines 8 to 10, inclusive, the words “to the same extent that benefits
348 are provided for medical conditions not related to pregnancy”.

349 SECTION 25. Said section 4H of said chapter 176B, as so appearing, is hereby further
350 amended by inserting after the third paragraph the following 3 paragraphs:-

351 Coverage provided under this section for abortion or abortion-related care shall not be
352 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.

353 Coverage offered under this section for abortion or abortion-related care shall not impose
354 unreasonable restrictions or delays in the coverage.

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

357 A policy of accident and sickness insurance that is purchased by an employer that is a
358 church or qualified church-controlled organization, as those terms are defined in subsection (j) of
359 section 4W shall be exempt from covering abortion or abortion-related care at the request of the
360 employer. An employer that invokes the exemption under this subsection shall provide written
361 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the
362 health care methods and services for which the employer will not provide coverage for religious
363 reasons.

364 SECTION 26. Section 4I of chapter 176G of the General Laws, as so appearing, is hereby
365 amended by inserting after the word “for”, in line 2, the following words:- abortion, as defined in
366 section 12K of chapter 112, abortion-related care,.

367 SECTION 27. Said section 4I of said chapter 176G, as so appearing, is hereby further
368 amended by inserting after the second paragraph the following 3 paragraphs:-

369 Coverage provided under this section for abortion or abortion-related care shall not be
370 subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.
371 Coverage offered under this section for abortion or abortion-related care shall not impose
372 unreasonable restrictions or delays in the coverage.

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

375 A health maintenance contract that is purchased by an employer that is a church or
376 qualified church-controlled organization, as those terms are defined in subsection (j) of section
377 4O shall be exempt from covering abortion or abortion-related care at the request of the
378 employer. An employer that invokes the exemption under this subsection shall provide written

379 notice to prospective enrollees prior to enrollment with the plan and such notice shall list the
380 health care methods and services for which the employer will not provide coverage for religious
381 reasons.

382 SECTION 28. Section 4A of chapter 218 of the General Laws, as so appearing, is hereby
383 amended by inserting after the word “filing”, in line 20, the following words:- ; provided further,
384 that, except as required by federal law, a judgment creditor shall not file a copy of any foreign
385 judgment under this section if the judgment was issued in connection with any litigation
386 concerning legally-protected health care activity, as defined in section 11I½ of chapter 12.

387 SECTION 29. Subsection (g) of said section 4A of said chapter 218, as so appearing, is
388 hereby amended by adding the following sentence:- In any action filed to enforce a judgment
389 issued in connection with any litigation concerning legally-protected health care activity, as
390 defined in section 11I½ of chapter 12, the court in the commonwealth hearing the action shall not
391 give any force or effect to any judgment issued without jurisdiction.

392 SECTION 30. Section 11 of chapter 223A of the General Laws, as so appearing, is
393 hereby amended by adding the following paragraph:-

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

399 SECTION 31. Section 59H of chapter 231 of the General Laws, as so appearing, is
400 hereby amended by inserting after the word “case”, in line 1, the following words:- , except a
401 case brought pursuant to section 11I½ of chapter 12,.

402 SECTION 32. Section 13A of chapter 233 of the General Laws, as so appearing, is
403 hereby amended by inserting after the word “summons”, in line 32, the following words:- ,
404 except that no justice shall issue a summons in a case, except as required by federal law, where
405 prosecution is pending concerning legally-protected health care activity, as defined in section
406 11I½ of chapter 12, or where a grand jury investigation concerning legally-protected health care
407 activity has commenced or is about to commence for a criminal violation of a law of such other
408 state unless the acts forming the basis of the prosecution or investigation would also constitute an
409 offense if occurring entirely in the commonwealth.

410 SECTION 33. Section 13 of chapter 276 of the General Laws, as so appearing, is hereby
411 amended by striking out the first paragraph and inserting in place thereof the following 2
412 paragraphs:-

413 The governor may also surrender, on demand of the executive authority of any other
414 state, any person in the commonwealth charged in such other state in the manner provided in
415 section 14 with committing an act in this commonwealth, or in a third state, intentionally
416 resulting in a crime in the state whose executive authority is making the demand, hereafter in this
417 section and in sections 14 to 20P, inclusive, referred to as the demanding state, only when the
418 acts for which extradition is sought would be punishable by the laws of the commonwealth if the
419 consequences claimed to have resulted therefrom in the demanding state had taken effect in this
420 commonwealth and the provisions of sections 11 to 20R, inclusive, not otherwise inconsistent

421 shall apply to such cases even though the accused was not in the demanding state at the time of
422 the commission of the crime and has not fled therefrom; provided, however, that the governor
423 may, in the governor's discretion, make any such surrender conditional upon agreement by the
424 executive authority of the demanding state that the person so surrendered will be held to answer
425 no criminal charges of any nature except those set forth in the requisition upon which such
426 person is so surrendered, at least until such person has been given reasonable opportunity to
427 return to the commonwealth after the person's acquittal, if the person shall be acquitted, or after
428 the person shall be released from confinement, if the person shall be convicted.

429 Except as required by federal law, the governor shall not surrender a person charged in
430 another state as a result of engaging in legally-protected health care activity, as defined in section
431 11I½ of chapter 12, unless the executive authority of the demanding state shall allege in writing
432 that the accused was physically present in the demanding state at the time of the commission of
433 the alleged offense and that thereafter the accused fled from the demanding state.

434 SECTION 34. Section 14 of said chapter 276, as so appearing, is hereby amended by
435 inserting the after word "state", in line 7, the following words:- only when the acts for which
436 extradition is sought would be punishable by the laws of the commonwealth, if the consequences
437 claimed to have resulted therefrom in the demanding state had taken effect in this
438 commonwealth.

439 SECTION 35. Section 20A of said chapter 276, as so appearing, is hereby amended by
440 inserting after the word "thirteen", in lines 5 and 12 and 13, the following words:- , with the
441 exception of cases for which the governor shall not surrender a person under said section 13.

442 SECTION 36. Section 20B of said chapter 276, as so appearing, is hereby amended by
443 adding the following sentence:- This section shall not apply to cases arising under section 13 for
444 which the governor shall not surrender a person.

445 SECTION 37. Section 20C of said chapter 276, as so appearing, is hereby amended by
446 inserting after the word “thirteen”, in line 4, the following words:- , with the exception of cases
447 for which the governor shall not surrender a person under said section 13.”.

448 SECTION 38. Sections 5, 6, 14, 15, 17, 18, and 20 to 27, inclusive, shall apply to all
449 policies, contracts and certificates of health insurance subject to chapters 32A, 118E, 175, 176A,
450 176B and 176G of the General Laws that are delivered, issued or renewed 6 months from the
451 effective date of this act.