

HOUSE No. 1466

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act related to Down syndrome.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/20/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2023</i>
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>2/9/2023</i>

HOUSE No. 1466

By Representative DeCoste of Norwell, a petition (accompanied by bill, House, No. 1466) of David F. DeCoste, Joseph D. McKenna and Alyson M. Sullivan-Almeida relative to performing or attempting to perform abortions sought because of Down syndrome. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act related to Down syndrome.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

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

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

7 “Down syndrome” means a chromosomal disorder associated with either an extra
8 chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-
9 one.

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

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

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

25 (c) The Board of Registration in Medicine, the Board of Registration in Nursing, and the
26 Board of Registration of Physician Assistants shall revoke the medical license to practice
27 medicine or nursing in this commonwealth of the physician, physician assistant, certified nurse
28 practitioner, certified nurse midwife, or other medically licensed individual who violates section
29 3(a).

30 (d) Any physician, physician assistant, certified nurse practitioner, certified nurse
31 midwife, or other individual who violates section 3(a) is liable in a civil action for compensatory
32 and exemplary damages and reasonable attorney's fees to any person, or the representative of the

33 estate of any person, who sustains injury, death, or loss to person or property as the result of the
34 performance or inducement or the attempted performance or inducement of the abortion. In any
35 action under this section, the court may also award any injunctive or other equitable relief that
36 the court considers appropriate.

37 (e) A pregnant woman on whom an abortion is performed or induced or attempted to be
38 performed or induced in violation of section 3(a) is not guilty of violating section 3(a) or of
39 attempting to commit, conspiring to commit, or complicity in committing a violation of section
40 3(a).

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