

# HOUSE . . . . . No. 1785

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Jeffrey Rosario Turco*

*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 relative to Down syndrome.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>1/18/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/18/2023</i>

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By Representative Turco of Winthrop, a petition (accompanied by bill, House, No. 1785) of Jeffrey Rosario Turco and Joseph D. McKenna relative to prohibiting abortions because of the diagnosis of Down syndrome in unborn children. The Judiciary.

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## The Commonwealth of Massachusetts

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

An Act relative 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           The General Laws are hereby amended by inserting after chapter 112, the following  
2 chapter 112A:

3           CHAPTER 112A.

4           DOWN SYNDROME ACT.

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

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

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

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

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

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

(b) Any physician, physician assistant, certified nurse practitioner, certified nurse midwife or other individual whether or not licensed by the Board of Registration in Medicine, the Board of Registration in Nursing, the Board of Registration of Physician Assistants, or otherwise authorized by law to practice medicine within the Commonwealth of Massachusetts, who violates section 3(a), is guilty of performing or attempting to perform an abortion that was being sought because of Down syndrome, a crime punishable by imprisonment in the state prison for not more than 15 years or by imprisonment in a jail or house of correction for not more than 2 years and 6 months or by a fine of not more than \$15,000, or by both such fine and imprisonment.

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

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

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

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

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