

# HOUSE . . . . . No. 2146

## The Commonwealth of Massachusetts

PRESENTED BY:

***Mindy Domb and Kimberly N. Ferguson***

*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 prohibiting nonconsensual intimate examinations of anesthetized or unconscious patients.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/13/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/20/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/23/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/30/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/3/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/3/2023</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/6/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/6/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Dawne Shand</i>	<i>1st Essex</i>	<i>3/31/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>7/21/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>9/11/2023</i>
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>9/20/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>9/20/2023</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>11/21/2023</i>

**HOUSE . . . . . No. 2146**

By Representatives Domb of Amherst and Ferguson of Holden, a petition (accompanied by bill, House, No. 2146) of Mindy Domb, Kimberly N. Ferguson and others relative to prohibiting nonconsensual intimate examinations of anesthetized or unconscious patients. Public Health.

**The Commonwealth of Massachusetts**

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

An Act prohibiting nonconsensual intimate examinations of anesthetized or unconscious patients.

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

1 Chapter 111 of the General Laws is hereby amended by inserting after section 70H the  
2 following section:-

3 Section 70I. (a) For the purposes of this section, the following words shall have the  
4 following meanings:

5 "Intimate examination", a pelvic, prostate or rectal examination.

6 "Health care provider", a physician, a student in a medical or nursing school participating  
7 in a course of instruction, a person participating in a residency program or clinical training  
8 program, a physician assistant, an advanced practice registered nurse or other health care  
9 provider.

10 (b) A health care provider may not perform an intimate examination on an anesthetized,  
11 deeply sedated or unconscious patient unless the patient has given specific informed consent in

12 writing to the intimate examination; or the performance of an intimate examination is within the  
13 scope of care for the planned procedure, surgical procedure or diagnostic examination to be  
14 performed on the patient for which the patient has provided general consent; or, in the case of an  
15 emergency or urgent care situation on an unconscious patient, the intimate examination is  
16 required for diagnostic or treatment purposes.