

**HOUSE . . . . . No. 1783**

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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 abortion pill reversal; informed consent.

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>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>

**HOUSE . . . . . No. 1783**

By Representative Turco of Winthrop, a petition (accompanied by bill, House, No. 1783) of Jeffrey Rosario Turco, Joseph D. McKenna and Kelly W. Pease relative to informed consent prior to the performance of certain chemical abortions. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act relative to abortion pill reversal; informed consent.

*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. Chapter 112 of the General Laws, as appearing in the 2020 Official Edition  
2 is hereby amended by inserting after section 12L, as amended by section 12L of chapter 263 of  
3 the Acts of 2020, the following section:-

4 Section 12L½. Abortion Pill Reversal; Informed Consent.

5 (a) Definitions applicable to section 12½:

6 “Abortion” means the use or prescription of any instrument, medicine, drug, or other  
7 substance or device to intentionally kill an unborn child; or intentionally terminate the pregnancy  
8 of a female known to be pregnant, with an intention other than after viability to produce a live  
9 birth and preserve the life and health of a child born alive; or to remove a dead unborn child.

10 “Chemical abortion” means the use or prescription of an abortion-inducing drug,  
11 dispensed with the intent to cause the death of an unborn child.

12           “Medical emergency” means a condition which, in reasonable medical judgment, so  
13 complicates the medical condition of a pregnant female as to necessitate the immediate abortion  
14 of her pregnancy to avert her death or for which a delay will create serious risk of substantial and  
15 irreversible physical impairment of a major bodily function, not including psychological or  
16 emotional conditions. No condition shall be deemed a medical emergency if based on a claim or  
17 diagnosis that the female will engage in conduct which she intends to result in her death or in a  
18 substantial irreversible physical impairment of a major bodily function.

19           “Stable internet website” means a website that, to the extent reasonably practicable, is  
20 safeguarded from having its content altered by anyone other than by the Massachusetts  
21 Department of Public Health.

22           “Department” means the Massachusetts Department of Public Health.

23           (b) Except in the case of a medical emergency, a chemical abortion involving the two-  
24 drug process of dispensing mifepristone first and then misoprostol shall not be performed or  
25 induced or attempted to be performed or induced without the following: (1) the pregnant female  
26 is informed, by telephone, virtual telehealth mechanism, print resource or in person, by the  
27 physician who is to prescribe the abortion drugs, by a referring physician or by an agent of either  
28 physician at least 24 hours before the abortion that: (i) it may be possible to safely prevent the  
29 intended effects of a chemical abortion, if the pregnant female changes her mind, but that time is  
30 of the essence and (ii) information on and assistance with reversing the effects of a chemical  
31 abortion utilizing mifepristone is available on the Department’s website.

32           (c) When the first drug involved in the two-drug process is dispensed in a chemical  
33 abortion utilizing mifepristone, the physician or an agent of the physician, including pharmacies

34 and mail- order companies, shall provide written medical discharge instructions to the pregnant  
35 female which must include the following statement:

36 “Recent developing research has indicated that mifepristone alone, also known as RU-  
37 486 or Mifeprex, is not always effective in ending a pregnancy. It may be possible to prevent the  
38 intended effects of a chemical abortion utilizing mifepristone if the second pill has not been  
39 taken. Please consult with a knowledgeable health-care provider regarding the abortion pill  
40 reversal process, or call the Abortion Pill Reversal Hotline at 877-558-0333, or visit:  
41 [//www.abortionpillreversal.com/](http://www.abortionpillreversal.com/) as soon as possible.”

42 (d) When a medical emergency compels the performance of an abortion, the physician  
43 shall inform the pregnant female, prior to the abortion, if possible, of the medical indications  
44 supporting the physician’s judgment that an abortion is necessary to avert her death or that a 24-  
45 hour delay will create serious risk of substantial and irreversible physical impairment of a major  
46 bodily function, not including psychological or emotional conditions.

47 (e) Within 90 days after enactment of this section, the Department shall cause to be  
48 published, in English and in each language which is the primary language of 2 per cent or more  
49 of the commonwealth’s population, and shall cause to be available on the commonwealth’s  
50 website provided for in subsection (f): materials designed to inform the pregnant female of the  
51 possibility of reversing the effects of a chemical abortion utilizing mifepristone, if she changes  
52 her mind; and information on and assistance with the resources that may be available to help  
53 reverse the effects of a chemical abortion. The materials shall be printed so as to ensure that the  
54 information provided is easily comprehensible.

55 (f)The Department shall develop and maintain a stable internet website to provide the  
56 information described in subsection (c). No information regarding who uses the website shall be  
57 collected or maintained. The Department shall monitor the website on a daily basis to prevent  
58 and correct tampering. The website shall be maintained at a minimum resolution of 70 DPI (dots  
59 per inch). All pictures appearing on this website shall be a minimum of 200x300 pixels. All  
60 letters on the website shall be a minimum 12 point font. All information and pictures shall be  
61 accessible with an industry standard browser, requiring no additional plug-ins.

62 (g)Any person who knowingly or recklessly performs or induces or attempts to perform  
63 or induce an abortion in violation of this section, shall be guilty of a felony. No penalty may be  
64 assessed against the pregnant female upon whom the abortion is performed or induced or  
65 attempted to be performed or induced. No penalty or civil liability may be assessed for failure to  
66 comply with subsection (b) or (c) unless the Department has made the information available on  
67 the website at the time the physician or the physician’s agent is required to inform the pregnant  
68 female.

69 (h)(1) Any person upon whom an abortion has been performed without this section  
70 having been complied with; the father of the unborn child, who was the subject of such an  
71 abortion; or if the female has not attained the age of 18 years at the time of the chemical  
72 abortion, or has died as a result of the chemical abortion, the grandparents of such unborn child;  
73 may maintain an action against any person who performed the abortion in knowing or reckless  
74 violation of this section, for actual and punitive damages. Any person upon whom an abortion  
75 has been attempted without this section having been complied with may maintain an action  
76 against the person who attempted to perform the abortion in knowing or reckless violation of this

77 section for actual and punitive damages. No damages may be awarded a plaintiff if the  
78 pregnancy resulted from the plaintiff's criminal conduct.

79 (2) If judgment is rendered in favor of the plaintiff in an action described in paragraph  
80 (h)(1), the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff  
81 against the defendant. If judgment is rendered in favor of the defendant and the court finds that  
82 the plaintiff's suit was frivolous and brought in bad faith, the court shall render judgment for  
83 reasonable attorney's fees in favor of the defendant against the plaintiff.

84 (j) In every civil or criminal proceeding or action brought under this section, the court  
85 shall rule whether or not the anonymity of any female upon whom an abortion has been  
86 performed or attempted shall be preserved from public disclosure, if she does not give her  
87 consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and  
88 upon determining that her anonymity should be preserved, shall issue orders to the parties,  
89 witnesses, and counsel that shall direct the sealing of the record and exclusion of individuals  
90 from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public  
91 disclosure. Each order shall be accompanied by specific written findings, explaining why the  
92 anonymity of the female should be preserved from public disclosure; why the order is essential  
93 to that end; how the order is narrowly tailored to serve that interest; and why no reasonable, less  
94 restrictive alternative exists. In the absence of a written consent of the female upon whom an  
95 abortion has been performed or attempted, anyone, other than a public official, who brings an  
96 action under subsection (h) shall do so under a pseudonym. This section may not be construed to  
97 conceal the identity of the plaintiff or of witnesses from the defendant.

98           (k) If any one or more provision, section, subsection, sentence, clause, phrase, or word of  
99 this section or the application thereof to any person or circumstance is found to be  
100 unconstitutional, the same is hereby declared to be severable and the balance of this section shall  
101 remain effective notwithstanding such unconstitutionality.