

HOUSE No. 4294

Text of House document No. 4271, being House amendments of the Senate Bill strengthening health care protections in the Commonwealth (Senate bill No. 2543), as amended by the House. July 16, 2025.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 amended by section 1 of chapter 363 of the acts of 2024, is hereby further amended by adding
3 the following subclause:—

4 (x) the name, home address, personal email address, home telephone number or mobile
5 telephone number and any other personal information of an individual engaged in the provision,
6 facilitation or promotion of reproductive health care services or gender-affirming health care
7 services, as defined in section 111I/2 of chapter 12.

8 SECTION 2. Section 111I/2 of chapter 12 of the General Laws, as appearing in the 2022
9 Official Edition, is hereby amended by adding the following 3 subsections:—

10 (g) Notwithstanding any general or special law to the contrary and except as required by
11 federal law, no state or local agency of the commonwealth or officer or employee or any other
12 person acting on behalf of a state or local agency of the commonwealth while acting under the
13 color of law shall cooperate with or provide information or assistance to any federal law

14 enforcement agency or other agency or any other state or local law enforcement agency or other
15 agency or any individual or quasi-law enforcement agent or expend or use any time, money,
16 facilities, property, equipment, personnel or other resources in relation to an investigation or
17 inquiry into services constituting legally-protected health care activity if such services would be
18 lawful as provided had they occurred entirely in the commonwealth.

19 (h) Evidence relating to the involvement of an individual in any legally-protected health
20 care activity shall not be offered as evidence that such individual has engaged in wrongdoing,
21 whether civil, criminal, professional or otherwise, by virtue of the fact that the individual who
22 received such services was not physically present in the commonwealth when they received such
23 services. Nothing in this section shall prevent a party from offering such evidence in a
24 proceeding that: (i) sounds in tort or contract; (ii) is actionable, in an equivalent or similar
25 manner, under the laws of the commonwealth; and (iii) was brought by the patient who received
26 reproductive health care services or gender-affirming health care services or the patient's legal
27 representative.

28 (i) The attorney general may bring a civil action for injunctive or other equitable relief to
29 enforce this section.

30 SECTION 3. Section 12 of chapter 12C of the General Laws, as amended by section 24
31 of chapter 342 of the acts of 2024, is hereby further amended by striking out subsection (b) and
32 inserting in place thereof the following 8 subsections:-

33 (b) The center shall permit a government agency or authority to access identifiable health
34 information of an individual only to the extent necessary for such government agency or
35 authority to accomplish the public purposes for which access was given, subject to subsection (f).

36 Except as required by federal law, the center shall not provide access to any data, including de-
37 identified data or any other data that would allow the identification of a patient or provider in
38 response to an out-of-state or federal inquiry or investigation into services constituting legally-
39 protected health care activity, as defined in section 1111/2 of chapter 12.

40 (c) The center shall permit providers, provider organizations and public and private
41 health care payers access to identifiable health information of an individual solely for the
42 purposes of carrying out treatment, payment or health care operations.

43 (d) The center may disclose identifiable health information of an individual for research,
44 regardless of the source of funding of the research; provided, that: (i) the center obtains
45 documentation of authorization from the individual patient; or (ii) waiver of individual
46 authorization has been approved by either an institutional review board or privacy board.

47 (e) The center may disclose de-identified health information of an individual for the
48 purposes of lowering total medical expenses, coordinating care, benchmarking, quality analysis,
49 research, administrative or planning purposes, informing consumer health care decisions or other
50 purposes that aim to improve healthcare or public health outcomes for commonwealth residents
51 that are consistent with the goals of this chapter. A recipient of de-identified health information
52 of an individual shall not use such information or data to identify any person for any purpose.

53 (f) A recipient of de-identified or identifiable health information of an individual patient
54 shall not use such information to: (i) conduct a criminal, civil or administrative investigation into
55 any individual patient; or (ii) impose criminal, civil or administrative liability on any individual
56 patient.

57 (g) Access to identifiable health information of an individual, including personal data as
58 defined in section 1 of chapter 66A, authorized under this section shall be deemed to comply
59 with the requirements of chapter 66A.

60 (h) The center may charge an application fee or other fees sufficient to process and
61 provide such access to non-governmental entities.

62 (i) A violation of subsection (f), or any rule or regulation issued thereunder, shall
63 constitute a violation of chapter 93A.

64 SECTION 4. Section 75 of chapter 31 of the General Laws, inserted by section 161 of
65 chapter 238 of the acts of 2024, is hereby amended by adding the following paragraph:-

66 Nothing in this section shall be construed to permit civil service employees to furnish
67 information to, or cooperate with, law enforcement authorities in contravention of section 1111/2
68 of chapter 12 or section 63 of chapter 147.

69 SECTION 5. Section 10B of chapter 66 of the General Laws is hereby amended by
70 striking out, in lines 34 and 35, as appearing in the 2022 Official Edition, the words “persons
71 providing or training in family planning services” and inserting in place thereof the following
72 words:- persons engaged or trained in the provision, facilitation or promotion of reproductive
73 health care services or gender-affirming health care services, as defined in section 1111/2 of
74 chapter 12,.

75 SECTION 6. Chapter 93 of the General Laws is hereby amended by adding the following
76 section:-

77 Section 115. (a) As used in this section, the following words shall, unless the context
78 clearly requires otherwise, have the following meanings:

79 “Electronic communication”, any transfer of signs, signals, writing, images, sounds, data
80 or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic,
81 photoelectronic or photo-optical system; provided, however, that such term shall not include any
82 communication: (i) made through a tone only paging device; or (ii) that is disseminated by the
83 sender through a method of transmission that is configured so that such communication is readily
84 accessible to the public.

85 “Electronic communication services”, any service which provides to users thereof the
86 ability to send or receive wire or electronic communications.

87 “Remote computing service”, as defined in 18 U.S.C. 2711.

88 (b) A business entity that operates in the commonwealth and provides electronic
89 communication services or remote computing service to residents of the commonwealth or to a
90 business entity organized under the laws of the commonwealth shall not comply with a
91 subpoena, warrant or other civil or criminal legal process for records, information or assistance
92 that the business entity knows relates to a resident, health care provider or business entity in the
93 commonwealth in connection with legally-protected health care activity as defined in section
94 1111/2 of chapter 12, except as required by a valid federal law, unless the subpoena, warrant or
95 other civil or criminal legal process includes, or is accompanied by, an attestation, made under
96 penalty of perjury, stating that the subpoena, warrant or other civil or criminal legal process does
97 not seek documents, information or testimony relating to an investigation into, or the
98 enforcement of, another state’s law that asserts criminal or civil liability for the provision,

99 receipt, attempted provision or receipt, assistance in the provision or receipt or attempted
100 assistance in the provision or receipt of legally-protected health care activity that is lawful in the
101 commonwealth.

102 (c) Any false attestation submitted under this section shall be subject to a statutory
103 penalty of not more than \$50,000 per violation. Submission of an attestation shall subject the
104 attester to the jurisdiction of the courts of the commonwealth for any suit, penalty or damages
105 arising out of a false attestation under this section.

106 (d) The attorney general may bring a civil action for injunctive or other equitable relief to
107 compel any business entity that operates in the commonwealth and that provides electronic
108 communications services or remote computing service to residents of the commonwealth or to a
109 business entity organized under the laws of the commonwealth to comply with this section.

110 SECTION 7. Section 21 of chapter 94C of the General Laws, as amended by section 6 of
111 chapter 285 of the acts of 2024, is hereby further amended by striking out the first paragraph and
112 inserting in place thereof the following 2 paragraphs:-

113 The pharmacist filling a written, electronic or oral prescription for a controlled substance
114 shall package the controlled substance in a container, affixing to the container a label showing
115 the date of filling, the pharmacy name and address, the filling pharmacist's initials, the serial
116 number of the prescription, the name of the patient, unless it is a veterinary prescription, the
117 name of the prescribing practitioner except as otherwise provided in this section, the name of the
118 controlled substance, directions for use and cautionary statements, if any, contained in such
119 prescription or required by law, and if the controlled substance is dispensed as tablets or
120 capsules, the number of same in such container.

121 Except as required by federal law, the label for a controlled substance prescribed for
122 reproductive health care services or gender-affirming health care services, as defined in section
123 1111/2 of chapter 12, shall, at the request of the provider, include the name of the prescribing
124 health care practice instead of the name of the prescribing practitioner; provided, however, that a
125 pharmacy benefit manager, as defined in section 1 of chapter 176Y, shall not recoup or recover
126 funds from a pharmacy due to the absence of such dispensing practitioner's name under this
127 paragraph. The department may promulgate regulations to implement this paragraph.

128 SECTION 8. Section 22 of said chapter 94C, as appearing in the 2022 Official Edition, is
129 hereby amended by adding the following subsection:-

130 (d) Notwithstanding subsection (b) and to the extent allowable under federal law, the
131 label for a controlled substance prescribed for reproductive health care services or gender-
132 affirming health care services, as defined in section 1111/2 of chapter 12, may include the name
133 and address of the dispensing health care practice instead of the name and address of the
134 dispensing practitioner.

135 SECTION 9. Paragraph (1) of subsection (a) of section 24A of said chapter 94C, as so
136 appearing, is hereby amended by adding the following sentence:-

137 Notwithstanding any other provision of this section, medications that may be prescribed
138 for reproductive health care services and gender-affirming health care services, as defined in
139 section 1111/2 of chapter 12, shall be excluded from the prescription monitoring program unless
140 reporting of such is determined by the department to be necessary to protect the public health.

141 SECTION 10. Said section 24A of said chapter 94C, as so appearing, is hereby further
142 amended by adding the following subsection:-

143 (n) Notwithstanding any general or special law to the contrary, except as required by
144 federal law, the department shall not provide disaggregated data or individually identifiable data
145 from the prescription drug monitoring program to a federal law enforcement agency or other
146 agency or any other state or local law enforcement agency or other agency or any private citizen
147 or entity or quasi-law enforcement agent in relation to an investigation or inquiry into
148 reproductive health care services or gender-affirming health care services, as defined in section
149 1111/2 of chapter 12, if such services would be lawful as provided had they occurred entirely in
150 the commonwealth. This section shall not be construed to apply to prescription drugs for usages,
151 including off-label usages, that are unrelated to reproductive health care services or gender-
152 affirming health care services.

153 SECTION 11. Chapter 111 of the General Laws is hereby amended by inserting after
154 section 51 the following section:-

155 Section 511/4. (a) For purposes of this section, the following words shall, unless the
156 context clearly requires otherwise, have the following meanings:

157 “Emergency medical condition”, a medical condition manifesting itself by acute
158 symptoms of sufficient severity such that the absence of immediate medical attention could
159 reasonably be expected to result in: (i) placing the health of the patient in serious jeopardy; (ii)
160 serious impairment of bodily functions; or (iii) serious dysfunction of any bodily organ or part.
161 Emergency medical condition shall include, but shall not be limited to, ectopic pregnancy,
162 complications of pregnancy loss or abortion, active labor, risks to future fertility, preterm
163 premature rupture of membranes, placental abruption or bleeding from placenta previa or
164 emergent hypertensive disorders, such as preeclampsia and eclampsia and peripartum

165 cardiomyopathy, and any other condition a licensed health care provider, acting within their
166 lawful scope of practice, determines in the provider's best medical judgment, to be an emergency
167 medical condition.

168 "Patient", any person who presents at a hospital or who is brought to a hospital by
169 ambulance or specialized emergency medical services vehicle as defined in section 1 of chapter
170 111C.

171 "Stabilizing treatment", includes abortion when abortion is necessary to resolve the
172 patient's injury or emergency medical condition.

173 (b) Acute-care hospitals licensed under section 51G, during all operating hours of an
174 emergency department or a satellite emergency facility as defined in section 511/2, shall provide
175 hospital emergency services to any patient who presents with an injury or an emergency medical
176 condition. Acute-care hospitals shall furnish hospital emergency services, including, but not
177 limited to, medical screening by qualified medical personnel, to reach with reasonable clinical
178 confidence a determination of whether a patient has an emergency medical condition and to
179 provide necessary stabilizing treatment for patients with an emergency medical condition. Acute-
180 care hospitals shall establish and maintain policies and procedures for the provision of hospital
181 emergency services, including for a patient's refusal to consent, restricting transfers until the
182 patient is stabilized, appropriate transfers of patients, nondiscrimination in providing services to
183 patients, preventing delay in examination or treatment of patients and whistleblower protections.

184 (c) The department may promulgate regulations to implement this section.

185 (d) The attorney general may bring a civil action for injunctive or other equitable relief to
186 enforce this section. In any action brought by the attorney general under this section, the court
187 may also award a civil penalty of not more than \$10,000 for each violation.

188 SECTION 12. Said chapter 111 is hereby further amended by inserting after section 70H
189 the following section:-

190 Section 70I. (a) For the purposes of this section, the following words shall, unless the
191 context clearly requires otherwise, have the following meanings:

192 “Abortion”, as defined in section 12K of chapter 112.

193 “Abortion-related health care services”, all supplies, care and services of a medical,
194 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative,
195 rehabilitative or supportive nature relating to miscarriage management or the termination of a
196 pregnancy.

197 “Business”, (i) a business organized for the purpose of maintaining medical information
198 to make an individual’s medical information available to the individual or to a health care
199 provider at the request of the individual or a health care provider, for purposes of allowing the
200 individual or the provider to manage the individual’s medical information or for the diagnosis
201 and treatment of the individual;

202 (ii) a business that offers medical recordkeeping, electronic health records or electronic
203 medical record services, including, but not limited to, software or hardware, to consumers that
204 makes an individual’s medical information available to another person or a health care provider
205 at the request of the individual or a health care provider, for purposes of allowing the other

206 person or the provider to manage the individual’s medical information or for the diagnosis,
207 treatment or management of a medical condition of the individual;

208 (iii) a business that is licensed by the department or the department of mental health to
209 provide medical, clinical, behavioral or health services; or

210 (iv) a business that offers a digital service to a consumer for the purpose of allowing such
211 consumer to manage the consumer’s reproductive or sexual health information or for the
212 diagnosis, treatment or management of a reproductive or sexual health medical condition of the
213 consumer.

214 “Gender-affirming health care services”, as defined in section 1111/2 of chapter 12.

215 (b) A business that electronically stores or maintains medical information related to the
216 provision of abortion or abortion-related health care services, in vitro fertilization and gender-
217 affirming health care services, including, but not limited to, on an electronic health record system
218 or electronic medical record system, on behalf of a health care provider, health care insurance
219 plan, pharmaceutical company, pharmacy benefit manager, contractor or employer, shall develop
220 capabilities, policies and procedures to enable and shall enable features that:

221 (i) limit user access privileges to information systems that contain medical information
222 related to abortion or abortion-related health care services, in vitro fertilization and gender-
223 affirming health care services only to those persons who are authorized in writing by the patient
224 to access such medical information;

225 (ii) prevent the disclosure, access, transfer, transmission or processing of medical
226 information related to abortion or abortion-related health care services, in vitro fertilization or

227 gender-affirming health care services to persons and entities outside of the commonwealth,
228 absent the express written consent of the patient, independent of any other agreement, that
229 specifically authorizes the disclosure, access, transfer, transmission or processing of such
230 medical information to the named persons or entities outside of the commonwealth; and

231 (iii) automatically disable access by individuals and entities outside the commonwealth to
232 segregated medical information related to abortion or abortion-related health care services, in
233 vitro fertilization or gender-affirming health care services, absent the express written consent of
234 the patient that specifically authorizes access by named persons or entities outside of the
235 commonwealth to such segregated medical information.

236 (c) The department may promulgate such regulations as may be necessary to implement
237 this section.

238 (d) The department shall create a consent form that meets the requirements of this section
239 and shall require its use by all licensed health care providers in the commonwealth.

240 (e) The attorney general may bring a civil action for injunctive or other equitable relief to
241 enforce this section. In any action brought by the attorney general under this section, the court
242 may also award a civil penalty of not more than \$5,000 per violation.

243 (f) A business that discloses, transfers or processes information solely for the purposes of
244 payment, treatment or health care operations, as defined by 45 CFR 164.501, shall not be in
245 violation of this section.

246 SECTION 13. Section 12Q of chapter 112 of the General Laws, as appearing in the 2022
247 Official Edition, is hereby amended by adding the following paragraph:-

248 The commissioner of public health shall not collect, maintain, use, disclose or
249 disseminate disaggregated surveillance data or individually identifiable surveillance data on
250 abortions performed in the commonwealth. The name, home address, personal email address,
251 home telephone number and mobile telephone number of individuals engaged in the provision,
252 facilitation or promotion of reproductive health care services, as defined in section 11I1/2 of
253 chapter 12, shall not be considered a public record under chapter 66.

254 SECTION 14. Said chapter 112 is hereby further amended by inserting after section 12Q
255 the following section:-

256 Section 12Q1/2. The commissioner of public health shall not collect, maintain or use
257 individually identifiable data on gender-affirming health care services provided in the
258 commonwealth, as defined in section 11I1/2 of chapter 12, except as authorized by law, and shall
259 not disclose or disseminate disaggregated data or individually identifiable surveillance data on
260 gender-affirming health care services provided in the commonwealth. The name, home address,
261 personal email address, home telephone number and mobile telephone number of individuals
262 engaged in the provision, facilitation or promotion of gender-affirming health care services shall
263 not be considered a public record under chapter 66.

264 SECTION 15. Section 61 of said chapter 112, as most recently amended by section 2 of
265 chapter 353 of the acts of 2024, is hereby further amended by adding the following 3
266 paragraphs:-

267 Notwithstanding any general or special law to the contrary, no person shall be subject to
268 discipline by a board of registration, including through the revocation, suspension or cancellation
269 of a certificate, registration or license, or a reprimand, censure or monetary fine, for providing or

270 assisting in the provision of reproductive health care services or gender-affirming health care
271 services, as those terms are defined in section 1111/2 of chapter 12, or for any judgment,
272 discipline or other sanction arising from the health care services if the services as provided
273 would have been lawful and consistent with the standard of conduct for the designated profession
274 had they occurred entirely in the commonwealth.

275 No board of registration shall make available for public dissemination on an individual's
276 profile the record of any criminal conviction or charge for a felony or serious misdemeanor, final
277 disciplinary action by a licensing board in another state or a malpractice court judgment,
278 arbitration award or settlement that resulted from providing or assisting in the provision of
279 reproductive health care services or gender-affirming health care services or for any judgment,
280 discipline or other sanction arising from the health care services if the services as provided
281 would have been lawful and consistent with the scope and standards of practice for the
282 designated profession had they occurred entirely in the commonwealth.

283 No board of registration shall take adverse action on an application for a certificate,
284 registration or licensure based on a criminal or civil action or disciplinary action by a licensing
285 board of another state or a medical malpractice claim in another state that resulted from
286 providing or assisting in the provision of reproductive health care services or gender-affirming
287 health care services that, as provided, would have been lawful and consistent with the standard of
288 conduct for the designated profession had the health care services occurred entirely in the
289 commonwealth.

290 SECTION 16. Section 26 of chapter 119 of the General Laws, as appearing in the 2022
291 Official Edition, is hereby amended by adding the following subsection:-

292 (d) The removal of a child from the care or custody of a parent, custodian or guardian in
293 another jurisdiction based on the parent, custodian or guardian allowing their child to seek or
294 receive gender-affirming health care services, as defined in section 11I1/2 of chapter 12, shall
295 not provide a basis for adjudicating the child in need of care and protection under this section
296 unless the conduct of the parent, custodian or guardian would otherwise constitute abuse or
297 neglect under the laws of the commonwealth.

298 SECTION 17. Section 63 of chapter 147 of the General Laws, as so appearing, is hereby
299 amended by striking out subsection (b) and inserting in place thereof the following 2
300 subsections:-

301 (b) Notwithstanding any general or special law to the contrary and except as required by
302 federal law, no state or local law enforcement agency or officer or employee or any other person
303 acting on behalf of a state or local law enforcement agency of the commonwealth, while acting
304 under color of law, shall provide information or assistance to a federal law enforcement agency
305 or any other state's agency, including a law enforcement agency, or any private citizen or quasi-
306 law enforcement agent, or expend or use time, money, facilities, property, equipment, personnel
307 or other resources in relation to an investigation or inquiry into services constituting legally-
308 protected health care activity, as defined in section 11I1/2 of chapter 12, if the services would be
309 lawful as provided had the services occurred entirely in the commonwealth.

310 (c) The attorney general may bring a civil action for injunctive or other equitable relief to
311 enforce this section.

312 SECTION 18. Chapter 175 of the General Laws is hereby amended by inserting after
313 section 193U the following section:-

314 Section 193V. No insurance company offering for sale any policy of insurance shall
315 discriminate against an organization that is exempt from taxation under section 501(c)(3) of the
316 Internal Revenue Code, or adjust or otherwise calculate such organization's risk classification or
317 premium charges in the provision of any form of liability insurance covering negligence,
318 wrongful acts, errors or omissions of the organization and its respective members, directors and
319 officers, on the basis that: (i) the organization offers reproductive health care services or gender-
320 affirming health care services, as those terms are defined in section 1111/2 of chapter 12; (ii) the
321 organization engages in legally-protected health care activity, as defined in said section 1111/2 of
322 said chapter 12; or (iii) the organization is or has been the subject of abusive litigation, as defined
323 in said section 1111/2 of said chapter 12. Nothing herein shall prohibit such insurers from
324 establishing reasonable classifications of risks and premium charges based upon the relative risk
325 associated with practice in a particular specialty.

326 SECTION 19. Chapter 176Q of the General Laws is hereby amended by adding the
327 following section:-

328 Section 19. (a) Except as required by federal law, the connector shall not provide access
329 to any data, including de-identified data or any other data that would allow the identification of a
330 patient, applicant or provider, in response to an out-of-state or federal inquiry or investigation
331 into services constituting legally-protected health care activity, as defined in section 1111/2 of
332 chapter 12.

333 (b) The connector shall grant providers, provider organizations and public and private
334 health care payers access to identifiable health information or other personally identifiable

335 information of an individual solely for the purposes of carrying out treatment, payment, health
336 care operations or its functions as a health insurance exchange.

337 (c) The connector shall not disclose, disseminate, transfer or otherwise allow access to
338 identifiable health information or other personally identifiable information of an individual for
339 any purpose not expressly authorized by this chapter.

340 (d) A recipient of de-identified or identifiable health information or other personally
341 identifiable information of an individual patient or applicant shall not use such information to: (i)
342 conduct a criminal, civil or administrative investigation into any individual patient; or (ii) impose
343 criminal, civil or administrative liability on any individual patient.

344 SECTION 20. Chapter 208 of the General Laws is hereby amended by adding the
345 following section:-

346 Section 56. (a) A law of a jurisdiction outside the commonwealth that authorizes a child
347 to be removed from the care or custody of a parent or guardian based on the parent or guardian
348 allowing their child to receive gender-affirming health care services, as defined in section 111I/2
349 of chapter 12, or that bans the provision of gender-affirming health care services shall not
350 provide a basis to alter custody, parenting time or visitation or be used to make a finding of
351 abuse, neglect or maltreatment in a case pending in a court in the commonwealth, unless the
352 conduct of the parent or guardian under such law would constitute abuse, neglect or
353 maltreatment under the laws of the commonwealth.

354 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
355 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
356 affirming health care services, as defined in section 111I/2 of chapter 12, or a finding that a

357 parent or guardian is criminally, civilly or otherwise liable for violating another state's law that
358 bans the provision of gender-affirming health care services as evidence in any proceeding with
359 respect to that parent or guardian and any of their children, unless the conduct of the parent or
360 guardian would constitute abuse, neglect or maltreatment under the laws of the commonwealth.

361 (c) Notwithstanding any provision of this chapter to the contrary, when deciding whether
362 to alter custody, parenting time or visitation a court in the commonwealth shall consider the
363 likely disruption or cessation of gender-affirming health care services, as defined in section
364 11I1/2 of chapter 12, as a result of a law of a jurisdiction outside the commonwealth that
365 prohibits gender-affirming health care services or authorizes a child to be removed from the care
366 or custody of a parent or guardian based on the parent or guardian allowing their child to receive
367 gender-affirming care health care services.

368 SECTION 21. Chapter 209A of the General Laws is hereby amended by adding the
369 following section:-

370 Section 12. (a) Notwithstanding section 5A or any other general or special law to the
371 contrary, a law of a jurisdiction outside the commonwealth that authorizes a child to be removed
372 from the care or custody of a parent or guardian based on the parent or guardian allowing their
373 child to receive gender-affirming health care services, as defined in section 11I1/2 of chapter 12,
374 or that bans the provision of gender-affirming health care services shall not provide a basis to
375 alter custody, parenting time or visitation or be used to make a finding of abuse, neglect or
376 maltreatment in a case pending in a court in the commonwealth, unless the conduct of the parent
377 or guardian would constitute abuse, neglect or maltreatment under the laws of the
378 commonwealth.

379 (b) Notwithstanding section 5A or any other general or special law to the contrary, no
380 court in the commonwealth shall admit or consider a finding of abuse, neglect or maltreatment
381 based on a parent or guardian allowing their child to receive or seek gender-affirming health care
382 services, as defined in section 11I1/2 of chapter 12, or a finding that a parent or guardian is
383 criminally, civilly or otherwise liable for violating another state's law that bans the provision of
384 gender-affirming health care services as evidence in any proceeding in which such parent or
385 guardian and any of such parent's or guardian's children are parties, unless the conduct of the
386 parent or guardian would constitute abuse, neglect or maltreatment under the laws of the
387 commonwealth.

388 (c) Notwithstanding section 5A or any other general or special law to the contrary, when
389 deciding whether to alter custody, parenting time or visitation a court in the commonwealth shall
390 consider the likely disruption or cessation of gender-affirming health care services, as defined in
391 section 11I1/2 of chapter 12, as a result of a law of a jurisdiction outside the commonwealth that
392 prohibits gender-affirming health care services or authorizes a child to be removed from the care
393 or custody of a parent or guardian based on the parent or guardian allowing their child to receive
394 gender-affirming care health care services.

395 SECTION 22. Chapter 209B of the General Laws is hereby amended by adding the
396 following section:-

397 Section 15. (a) A law of a jurisdiction outside the commonwealth that authorizes a child
398 to be removed from the care or custody of a parent or guardian based on the parent or guardian
399 allowing their child to receive gender-affirming care health care services, as defined in section
400 11I1/2 of chapter 12, or that bans the provision of gender-affirming health care services shall not

401 provide a basis to alter custody, parenting time or visitation or be used to make a finding of
402 abuse, neglect or maltreatment in a case pending in a court in the commonwealth, unless the
403 conduct of the parent or guardian would constitute abuse, neglect or maltreatment under the laws
404 of the commonwealth.

405 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
406 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
407 affirming health care services, as defined in section 1111/2 of chapter 12, or a finding that a
408 parent or guardian is criminally, civilly or otherwise liable for violating another state's law that
409 bans the provision of gender-affirming health care services as evidence in any proceeding with
410 respect to that parent or guardian and any of their children, unless the conduct of the parent or
411 guardian would constitute abuse, neglect or maltreatment under the laws of the commonwealth.

412 (c) Notwithstanding any provision of this chapter to the contrary, when deciding whether
413 to alter custody, parenting time or visitation a court in the commonwealth shall consider the
414 likely disruption or cessation of gender-affirming health care services, as defined in section
415 1111/2 of chapter 12, as a result of a law of a jurisdiction outside the commonwealth that
416 prohibits gender-affirming health care services or authorizes a child to be removed from the care
417 or custody of a parent or guardian based on the parent or guardian allowing their child to receive
418 gender-affirming care health care services.

419 SECTION 23. Chapter 209C of the General Laws is hereby amended by adding the
420 following section:-

421 Section 25Q. (a) A law of a jurisdiction outside the commonwealth that authorizes a child
422 to be removed from the care or custody of a parent or guardian based on the parent or guardian

423 allowing their child to receive gender-affirming health care services, as defined in section 1111/2
424 of chapter 12, or that bans the provision of gender-affirming health care services shall not
425 provide a basis to alter custody, parenting time or visitation or be used to make a finding of
426 abuse, neglect or maltreatment in a case pending in a court in the commonwealth, unless the
427 conduct of the parent or guardian would constitute abuse, neglect or maltreatment under the laws
428 of the commonwealth.

429 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
430 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
431 affirming health care services, as defined in section 1111/2 of chapter 12, or a finding that a
432 parent or guardian is criminally, civilly or otherwise liable for violating another state's law that
433 bans the provision of gender-affirming health care services as evidence in any proceeding in
434 which such parent or guardian and any of such parent's or guardian's children are parties, unless
435 the conduct of such parent or guardian would constitute abuse, neglect or maltreatment under the
436 laws of the commonwealth.

437 (c) Notwithstanding any provision of this chapter to the contrary, when deciding whether
438 to alter custody, parenting time or visitation a court in the commonwealth shall consider the
439 likely disruption or cessation of gender-affirming health care services, as defined in section
440 1111/2 of chapter 12, as a result of a law of a jurisdiction outside the commonwealth that
441 prohibits gender-affirming health care services or authorizes a child to be removed from the care
442 or custody of a parent or guardian based on the parent or guardian allowing their child to receive
443 gender-affirming care health care services.

444 SECTION 24. Chapter 221 of the General Laws is hereby amended by inserting after
445 section 42 the following section:-

446 Section 42A. Notwithstanding any general or special law or rule or regulation to the
447 contrary, no attorney licensed in the commonwealth shall be removed or otherwise subject to
448 discipline, including through the revocation, suspension or cancellation of the attorney's license
449 or reprimand, censure or monetary fine, for advising or representing a client or prospective client
450 on or in a matter related to the provision of reproductive health care services or gender-affirming
451 health care services, as those terms are defined in section 11I1/2 of chapter 12, if the sole basis
452 for such removal or discipline is that: (i) the client offered, provided or received reproductive
453 health care services or gender-affirming health care services that are unlawful in another state;
454 (ii) another state's laws create actual or potential liability for the reproductive health care
455 services or gender-affirming health care services offered, provided or received by the client; or
456 (iii) the attorney is subject to actual or potential liability, or removal or discipline, in another
457 jurisdiction based on the reproductive health care services or gender-affirming health care
458 services offered, provided or received by the client; provided, however, that the attorney's
459 conduct shall otherwise comply with the laws of the commonwealth and meet the standards set
460 forth in the rules of professional conduct promulgated by the supreme judicial court.

461 SECTION 24A. (a) The commissioner of public health shall convene a technical advisory
462 group to review section 70I of chapter 111 of the General Laws to advise on technical aspects of
463 the implementation of said section 70I of said chapter 111, including regulations necessary to
464 implement said section. Not later than July 1, 2026, the technical advisory group shall make
465 recommendations to the house and senate committees on ways and means and the joint
466 committee on the judiciary on measures necessary to mitigate restrictions on appropriate data

467 sharing that limit interoperability to ensure access to necessary clinical information to maximize
468 appropriate clinical care.

469 (b) The technical advisory group shall explore and make recommendations on: (i) the
470 standardization of service definitions and terminology and structured standardized data; (ii)
471 reducing the administrative burden and impacts on clinical care of patient consent forms,
472 including through the use of consent management platforms; (iii) mitigating restrictions of
473 appropriate data sharing and limitations on interoperability that impact patient care; (iv) the
474 appropriateness of exempting information accessed, used and disclosed for treatment, payment
475 and health care operation purposes; and (v) minimizing penalties for a business that makes a
476 good faith effort to implement said section 70I of said chapter 111.

477 (c) The technical advisory group shall consist of the following members: the
478 commissioner of public health or a designee, who shall serve as chair; a representative of the
479 Massachusetts Health & Hospital Association; a representative of the Massachusetts Medical
480 Society; a representative of the Conference of Boston Teaching Hospitals; a representative of the
481 Planned Parenthood League of Massachusetts; a representative of Fenway Health; a
482 representative of the Massachusetts Association of Health Plans; a representative of Blue Cross
483 Blue Shield of Massachusetts; a representative of the Massachusetts eHealth Institute; a
484 representative with expertise in health information privacy; a representative with expertise in
485 health information technology; a representative of Health Care for All; and 2 persons with lived
486 experience.

487 SECTION 25. Section 7 shall take effect January 1, 2026.

488 SECTION 26. Section 12 shall take effect July 1, 2027.