

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jay D. Livingstone and Mindy Domb***

*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 An act to provide reproductive health care to incarcerated individuals.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/15/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/15/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act An act to provide reproductive health care to incarcerated individuals.

*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 127 of the General Laws, as appearing in the 2020 Official Edition,  
2 is hereby amended by inserting after section 169 the following section:-

3 Section 170. As used in this chapter, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:

5 “Contraceptive services,” contraceptive counseling and initiation, continuation,  
6 surveillance, and discontinuation of contraceptive methods.

7 “Reversible birth control methods,” includes birth control methods other than  
8 sterilization, including but not limited to, intrauterine devices, the contraceptive implant,  
9 injectable medroxyprogesterone, combined oral contraceptive pills, progestin-only contraceptive  
10 pills, contraceptive patches, vaginal contraceptive rings, diaphragms, cervical caps, contraceptive  
11 sponges, internal and external condoms, and spermicides.

12           “Emergency contraception,” birth control methods that are used to prevent pregnancy  
13 after sexual intercourse.

14           “Nonprescription birth control methods,” birth control methods available without a  
15 prescription from a health care provider, including but not limited to internal and external  
16 condoms, spermicides, fertility awareness-based methods, and certain emergency contraceptive  
17 methods.

18           “Undue barriers,” processes or procedures that are not in line with standards of medical  
19 care and that would cause significant expense or difficulty if carried out, including but not  
20 limited to barriers to transportation to appropriate clinical services, unreasonably delaying access  
21 to care, disclosure of personal information to correctional facility staff, and without requiring  
22 disclosure of personal information beyond what is medically necessary to safely prescribe  
23 contraceptives.

24           Contraceptive services, including but not limited to reversible birth control methods,  
25 emergency contraception, and non-prescription birth control methods shall be made available to  
26 incarcerated persons at any time upon request.

27           The department of correction, in consultation with the department of public health and  
28 Massachusetts Sheriffs Association, Inc., shall establish regulations for distribution that consists  
29 of all FDA-approved birth control methods and that shall be available free of charge and without  
30 undue barriers to all incarcerated persons capable of pregnancy.

31           Any incarcerated person capable of pregnancy shall, upon request, be allowed to continue  
32 birth control methods as prescribed by a physician, nurse practitioner, certified nurse midwife, or  
33 physician assistant prior to incarceration.

34 Contraceptive counseling and family planning services shall be offered and made  
35 available to all incarcerated persons who are capable of becoming pregnant at least 60 days, but  
36 not longer than 180 days, prior to a scheduled release date; provided, however, that such visits be  
37 voluntary and not mandatory.

38 The prison health care provider shall refer any individual using contraceptives to a  
39 medical provider who can manage the method at the time of release and provide refills of the  
40 medication through 12-months, as indicated.

41 Any incarcerated person who is capable of becoming pregnant shall be furnished by the  
42 facility with information and education regarding the availability of family planning services and  
43 their right to receive nondirective, unbiased, and noncoercive contraceptive services. Each  
44 facility shall post this information in conspicuous places to which all incarcerated persons who  
45 are capable of becoming pregnant have access.

46 The Department of Correction shall implement this section no later than 1 year after its  
47 passage.

48 SECTION 2. Section 118 of chapter 127 of the General Laws, as appearing in the 2020  
49 Official Edition, is hereby amended by adding the following subsection:-

50 (d) Incarcerated persons found to be pregnant requesting an abortion, shall be permitted  
51 to determine their eligibility for an abortion pursuant to state law, and if determined to be  
52 eligible, shall be permitted to obtain an abortion after giving informed consent. A prison shall not  
53 confer authority or discretion to nonmedical prison staff to decide if a pregnant person is eligible  
54 for an abortion.

55           The department of correction shall, in consultation with the department of public health  
56 and the Massachusetts Sheriffs Association, Inc., develop appropriate standards of care and  
57 written policies for abortion.

58           SECTION 3. Subsection (a) of section 118 of chapter 127 of the General Laws, as  
59 appearing in the 2020 Official Edition, is hereby amended by inserting, in line 2, after the word  
60 “sentencing” the following words:- “or upon request at any time during incarceration” and by  
61 inserting, in line 6, after the word “tests;” the following words:- “provided, however, that  
62 pregnancy tests be voluntary and not mandatory.”

63           SECTION 4. Subsection (a) of section 118 of chapter 127 of the General Laws, as  
64 appearing in the 2020 Official Edition, is hereby amended by inserting, in line 7, after the word  
65 “material” the following words:- “that includes unbiased information about prenatal health care,  
66 adoption, and abortion from a licensed healthcare professional” and inserting, in line 9, after the  
67 word “inmates;” the following words:- provided, however, that prison staff shall not urge, force,  
68 or otherwise influence a pregnant person’s decision”.