

**SENATE . . . . . No. 2538**

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**The Commonwealth of Massachusetts**

—  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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SENATE, June 18, 2025.

The committee on Senate Ways and Means to whom was referred the Senate Bill strengthening health care protections in the Commonwealth (Senate, No. 2522), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2538).

For the committee,  
Michael J. Rodrigues

**SENATE . . . . . No. 2538**

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**The Commonwealth of Massachusetts**

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

An Act strengthening health care protections in the Commonwealth.

*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. 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 11I½ of chapter 12.

8           SECTION 2. Section 11I ½ 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 so appearing, is hereby  
31 amended by striking out subsection (b) and inserting in place thereof the following:-

32 (b) The center shall permit a government agency or authority to access identifiable health  
33 information of an individual only to the extent necessary for such government agency or  
34 authority to accomplish the public purposes for which access was given, subject to subsection (f)  
35 of this section. Except as required by federal law, the center shall not provide access to any data,

36 including de-identified data or any other data that would allow the identification of a patient or  
37 provider in response to an out-of-state or federal inquiry or investigation into services  
38 constituting legally protected health care activity, as defined in section 111½ of chapter 12.

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

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

46 (e) The center may disclose de-identified health information of an individual for the  
47 purposes of lowering total medical expenses, coordinating care, benchmarking, quality analysis,  
48 research, administrative or planning purposes, informing consumer health care decisions, or  
49 other purposes that aim to improve healthcare or public health outcomes for Commonwealth  
50 residents that are consistent with the goals this chapter. A recipient of de-identified health  
51 information of an individual shall not use such information or data to identify any person for any  
52 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 this section, or any rule or regulation issued hereunder, shall constitute  
63 a violation of chapter 93A.

64 SECTION 4. Section 75 of chapter 31 of the General Laws, as amended by chapter 238  
65 of the acts of 2024, is hereby further 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 11I½  
68 of chapter 12 and 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 in the provision, facilitation or promotion of reproductive health care  
73 services or gender-affirming health care services, as defined in section 11I½ of chapter 12.

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

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

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

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

88 “Prohibited violation”, any civil or criminal offense defined under the laws of another  
89 state that creates civil or criminal liability for legally-protected health care activity as defined in  
90 section 11I½ of chapter 12.

91 (b) A business entity that operates in the commonwealth and provides electronic  
92 communication services or remote computing services to residents of the commonwealth or  
93 business entities organized under the laws of the commonwealth shall not comply with a  
94 subpoena, warrant or other civil or criminal legal process for records, information or assistance  
95 that the business entity knows relates to a resident, health care provider or business entity in the  
96 commonwealth in connection with legally-protected health care activity as defined in section  
97 11I½ of chapter 12, except as required by a valid federal law, unless the subpoena, warrant or  
98 other civil or criminal legal process includes, or is accompanied by, an attestation, made under  
99 penalty of perjury, stating that the subpoena, warrant or other civil or criminal legal process does

100 not seek documents, information or testimony relating to an investigation into, or the  
101 enforcement of, another state's law that asserts criminal or civil liability for the provision,  
102 receipt, attempted provision or receipt, assistance in the provision or receipt or attempted  
103 assistance in the provision or receipt of legally=protected health care activity that is lawful in the  
104 commonwealth.

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

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

113 SECTION 7. Section 21 of chapter 94C of the General Laws, as most recently amended  
114 by section 6 of chapter 285 of the acts of 2024, is hereby further amended by striking the first  
115 paragraph and inserting in place thereof the following:-

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

122 prescription or required by law, and if the controlled substance is dispensed as tablets or capsules  
123 the number of same in such container.

124 Except as required by federal law, the label for a controlled substance prescribed for  
125 reproductive health care services or gender-affirming health care services, as defined in section  
126 11I½ of chapter 12, shall, at the request of the provider, include the name of the prescribing  
127 health care practice instead of the name of the prescribing practitioner; provided, however, that a  
128 pharmacy benefit manager, as defined in section 1 of chapter 176Y, shall not recoup or recover  
129 funds from a pharmacy due to the absence of such dispensing practitioner's name under this  
130 paragraph. The department may promulgate regulations to implement this paragraph.

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

133 (d) Notwithstanding subsection (b) and to the extent allowable under federal law, the  
134 label for a controlled substance prescribed for reproductive health care services or gender-  
135 affirming health care services, as defined in section 11I½ of chapter 12, may include the name of  
136 the dispensing health care practice instead of the name of the dispensing practitioner.

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

139 Notwithstanding any other provision of this section, medications specifically prescribed  
140 for reproductive health care services and gender-affirming health care services, as defined in  
141 section 11I ½ of chapter 12, shall be excluded from this electronic monitoring program unless  
142 reporting of such is determined by the department to be necessary to protect the public health.

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

145 (n) Notwithstanding any general or special law to the contrary, except as required by  
146 federal law, the department shall not provide disaggregated data or individually identifiable data,  
147 from the prescription drug monitoring program to a federal law enforcement agency or other  
148 agency or any other state or local law enforcement agency or other agency or any private citizen  
149 or entity or quasi-law enforcement agent in relation to an investigation or inquiry into  
150 reproductive health care services or gender-affirming health care services, as defined in section  
151 111½ of chapter 12, if such services would be lawful as provided had they occurred entirely in  
152 the commonwealth. This section shall not be construed to apply to prescription drugs for usages,  
153 including off-label usages, that are unrelated to reproductive health care services or gender-  
154 affirming health care services.

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

157 Section 51¼. (a) For purposes of this section, the following terms shall have the  
158 following meaning unless the context clearly requires otherwise:

159 “Emergency medical condition”, a medical condition manifesting itself by acute  
160 symptoms of sufficient severity such that the absence of immediate medical attention could  
161 reasonably be expected to result in: (i) placing the health of the patient in serious jeopardy; (ii)  
162 serious impairment of bodily functions; or (iii) serious dysfunction of any bodily organ or part;  
163 provided, however, that such conditions shall include, but shall not be limited to: ectopic  
164 pregnancy, complications of pregnancy loss or abortion, risks to future fertility, preterm

165 premature rupture of membranes, placental abruption or bleeding from placenta previa or  
166 emergent hypertensive disorders, such as preeclampsia and eclampsia and peripartum  
167 cardiomyopathy, and any other condition a licensed health care provider, acting within their  
168 lawful scope of practice, determines in the provider's best medical judgment, to be an emergency  
169 as defined in this paragraph.

170 "Patient", any person who presents at the hospital or who is brought to a hospital by  
171 ambulance or specialized emergency medical services vehicle as defined in section 1 of chapter  
172 111C.

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

175 (b) Acute-care hospitals licensed under section 51G, during all operating hours of an  
176 emergency department or a satellite emergency facility as defined in section 51½, shall provide  
177 hospital emergency services to any patient who applies for the same in case of injury or an  
178 emergency medical condition. Acute care hospitals shall furnish hospital emergency services,  
179 including, but not limited to, medical screening by qualified medical personnel, to reach with  
180 reasonable clinical confidence a determination of whether a patient has an emergency medical  
181 condition and to provide necessary stabilizing treatment for patients with an emergency medical  
182 condition. Acute care hospitals shall establish and maintain policies and procedures for the  
183 provision of hospital emergency services, including for a patient's refusal to consent, restricting  
184 transfers until the patient is stabilized, appropriate transfers of patients, nondiscrimination in  
185 providing services to patients, preventing delay in examination or treatment of patients and  
186 whistleblower protections.

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

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

191 SECTION 12. Said chapter 111 is hereby amended by inserting after section 70H the  
192 following section:-

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

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

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

206 (iii) any business that is licensed by the department of public health or the department of  
207 mental health to provide medical, clinical, behavioral or health services; or

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

212 “Gender affirming health care services”, as defined in section 11I½ of chapter 12.

213 “Reproductive health care services”, as defined in section 11I½ of chapter 12.

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

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

224 (ii) prevent the disclosure, access, transfer, transmission or processing of medical  
225 information related to reproductive health care services, in vitro fertilization or gender-affirming  
226 health care services to persons and entities outside of the commonwealth, absent the express  
227 written consent of the patient, independent of any other agreement, that specifically authorizes  
228 the disclosure, access, transfer, transmission or processing of such medical information to the  
229 named persons or entities outside of the commonwealth; and

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

235 (c) The department may promulgate such regulations for licensed providers and entities  
236 as may be necessary to implement this section.

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

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

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

244 The commissioner of public health shall not, pursuant to this section, collect, maintain,  
245 use, disclose or disseminate disaggregated surveillance data or individually identifiable  
246 surveillance data on abortions performed in the commonwealth. The name, home address,  
247 personal email address and telephone number of individuals engaged in the provision, facilitation  
248 or promotion of reproductive health care services, as defined in section 11I½ of chapter 12, shall  
249 not be considered a public record under chapter 66.

250 SECTION 14. Said chapter 112 is hereby further amended by adding after section 12Q  
251 the following section:-

252 Section 12Q½. The commissioner of public health shall not collect, maintain or use  
253 individually identifiable data on gender-affirming health care services provided in the  
254 commonwealth, as defined in section 11I ½ of chapter 12, except as authorized by law, and shall  
255 not disclose or disseminate disaggregated data or individually identifiable surveillance data on  
256 gender-affirming health care services, as defined in said section 11I ½ of said chapter 12,  
257 provided in the commonwealth. The name, home address, personal email address, home  
258 telephone number and mobile telephone number of individuals engaged in the provision,  
259 facilitation or promotion of gender-affirming health care services, as defined in section 11I½ of  
260 chapter 12, shall not be considered a public record under chapter 66.

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

264 Notwithstanding any general or special law to the contrary, no person shall be subject to  
265 discipline by a board of registration, including through the revocation, suspension or cancellation  
266 of a certificate, registration or license, or a reprimand, censure or monetary fine, for providing or  
267 assisting in the provision of reproductive health care services or gender-affirming health care  
268 services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline  
269 or other sanction arising from such health care services if the services as provided would have  
270 been lawful and consistent with the standard of conduct for the designated profession had they  
271 occurred entirely in the commonwealth.

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

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

286 SECTION 16. Section 63 of chapter 147 of the General Laws, as appearing in the 2022  
287 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof  
288 the following 2 subsections:-

289 (b) Notwithstanding any general or special law to the contrary and except as required by  
290 federal law, no state or local law enforcement agency or officer or employee or any other person  
291 acting on behalf of a state or local law enforcement agency of the commonwealth, while acting  
292 under color of law, shall provide information or assistance to a federal law enforcement agency  
293 or any other state's agency, including a law enforcement agency, or any private citizen or quasi-

294 law enforcement agent, or expend or use time, money, facilities, property, equipment, personnel  
295 or other resources in relation to an investigation or inquiry into services constituting legally-  
296 protected health care activity, as defined in section 11I½ of chapter 12, if such services would be  
297 lawful as provided had they occurred entirely in the commonwealth.

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

300 SECTION 17. Chapter 175 of the General Laws is hereby amended by inserting after  
301 section 193U the following section:-

302 Section 193V. No insurance company offering for sale any policy of insurance shall  
303 discriminate against a nonprofit charitable organization, including those corporations qualified  
304 under 26 USC section 501(c)(3), or adjust or otherwise calculate such nonprofit charitable  
305 organization's risk classification or premium charges in the provision of any form of liability  
306 insurance covering negligence, wrongful acts, errors or omissions of the organization and its  
307 respective members, directors and officers, on the basis that: (i) the organization offers  
308 reproductive health care services or gender-affirming health care services, as those terms are  
309 defined in section 11I½ of chapter 12; (ii) the organization engages in legally-protected health  
310 care activity, as defined in said section 11I½ of said chapter 12; or (iii) the organization is or has  
311 been be the subject of abusive litigation, as defined in said section 11I½ of said chapter 12.  
312 Nothing herein shall prohibit such insurers from establishing reasonable classifications of risks  
313 and premium charges based upon the relative risk associated with practice in a particular  
314 specialty.

315 SECTION 18. Chapter 209B of the General Laws is hereby amended by adding the  
316 following section:-

317 Section 15. (a) A law of a jurisdiction outside the commonwealth that authorizes a child  
318 to be removed from the care or custody parent or guardian based on the parent or guardian  
319 allowing their child to receive gender-affirming care health care services, as defined in section  
320 11I½ of chapter 12, or that bans the provision of gender-affirming health care services shall not  
321 provide a basis to alter custody, parenting time or visitation or to make a finding of abuse,  
322 neglect or maltreatment in a case pending in a court in the commonwealth, unless conduct under  
323 such law would constitute abuse, neglect or maltreatment under the laws of the commonwealth.

324 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or  
325 maltreatment based on a parent or guardian allowing their child to receive or seek gender-  
326 affirming health care services or a finding that a parent or guardian is criminally, civilly or  
327 otherwise liable for violating another's state's law that bans the provision of gender-affirming  
328 health care services, as defined in section 11I ½ of chapter 12, as evidence in any proceeding  
329 with respect to that parent or guardian and any of their children, unless such conduct would  
330 constitute abuse, neglect or maltreatment under the laws of the commonwealth.

331 SECTION 19. Chapter 221 of the General Laws is hereby amended by inserting after  
332 section 40 the following section:-

333 Section 40A. Notwithstanding any general or special law or rule or regulation to the  
334 contrary, no attorney licensed in the commonwealth may be removed or otherwise subject to  
335 discipline, including through the revocation, suspension or cancellation of the attorney's license  
336 or reprimand, censure or monetary fine, for advising or representing a client or prospective client

337 on or in a matter related to the provision of reproductive health care services or gender-affirming  
338 health care services, as those terms are defined in section 11I ½ of chapter 12, if the sole basis  
339 for such removal or discipline is that: (i) the client offered, provided or received reproductive  
340 health care services or gender-affirming health care services that are unlawful in another state;  
341 (ii) another state’s laws creates actual or potential liability for the reproductive health care  
342 services or gender-affirming health care services offered, provided or received by the client; or  
343 (iii) the attorney is subject to actual or potential liability, or removal or discipline, in another  
344 jurisdiction based on the reproductive health care services or gender-affirming health care  
345 services offered, provided or received by the client; provided, however, that the attorney’s  
346 conduct shall otherwise comply with the laws of the commonwealth and meet the standards set  
347 forth in the rules of professional conduct promulgated by the supreme judicial court.

348 SECTION 20. Sections 7 and 8 shall take effect January 1, 2026.

349 SECTION 21. Subsection (b) of section 70I of chapter 111 shall take effect no later than  
350 July 1, 2026.