

SENATE No. 2543

Senate, June 26, 2025 -- Text of the Senate Bill strengthening health care protections in the Commonwealth (Senate, No. 2543) (being the text of Senate, No. 2538, printed as amended).

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 11I1/2 of chapter 12.

8 SECTION 2. Section 11I1/2 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 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 1111/2 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 111I/2
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 111I/2 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; or (ii) any communication that is
82 disseminated by the sender through a method of transmission that is configured so that such
83 communication is readily accessible to the public.

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

86 “Prohibited violation”, any civil or criminal offense defined under the laws of another
87 state that creates civil or criminal liability for legally-protected health care activity as defined in
88 section 1111/2 of chapter 12.

89 “Remote computing services”, as defined in 18 U.S.C. 2711.

90 (b) A business entity that operates in the commonwealth and provides electronic
91 communication services or remote computing services to residents of the commonwealth or
92 business entities organized under the laws of the commonwealth shall not comply with a
93 subpoena, warrant or other civil or criminal legal process for records, information or assistance
94 that the business entity knows relates to a resident, health care provider or business entity in the
95 commonwealth in connection with legally-protected health care activity as defined in section
96 111½ of chapter 12, except as required by a valid federal law, unless the subpoena, warrant or
97 other civil or criminal legal process includes, or is accompanied by, an attestation, made under
98 penalty of perjury, stating that the subpoena, warrant or other civil or criminal legal process does
99 not seek documents, information or testimony relating to an investigation into, or the

100 enforcement of, another state’s law that asserts criminal or civil liability for the provision,
101 receipt, attempted provision or receipt, assistance in the provision or receipt or attempted
102 assistance in the provision or receipt of legally=protected health care activity that is lawful in the
103 commonwealth.

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

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

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

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

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

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

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

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

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

138 Notwithstanding any other provision of this section, medications that may be prescribed
139 for reproductive health care services and gender-affirming health care services, as defined in
140 section 11I½ of chapter 12, shall be excluded from the prescription monitoring program unless
141 reporting of such is determined by the department to be necessary to protect the public health. In
142 making a determination as to the scope of medications to be excluded from the prescription

143 monitoring program, the department shall consult with practitioners of reproductive health care
144 services and gender-affirming health care services.

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

147 (n) Notwithstanding any general or special law to the contrary, except as required by
148 federal law, the department shall not provide disaggregated data or individually identifiable data,
149 from the prescription drug monitoring program to a federal law enforcement agency or other
150 agency or any other state or local law enforcement agency or other agency or any private citizen
151 or entity or quasi-law enforcement agent in relation to an investigation or inquiry into
152 reproductive health care services or gender-affirming health care services, as defined in section
153 11I½ of chapter 12, if such services would be lawful as provided had they occurred entirely in
154 the commonwealth. This section shall not be construed to apply to prescription drugs for usages,
155 including off-label usages, that are unrelated to reproductive health care services or gender-
156 affirming health care services.

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

159 Section 51I/4. (a) For purposes of this section, the following terms shall have the
160 following meaning unless the context clearly requires otherwise:

161 “Emergency medical condition”, a medical condition manifesting itself by acute
162 symptoms of sufficient severity such that the absence of immediate medical attention could
163 reasonably be expected to result in: (i) placing the health of the patient in serious jeopardy; (ii)
164 serious impairment of bodily functions; or (iii) serious dysfunction of any bodily organ or part;

165 provided, however, that such conditions shall include, but shall not be limited to: ectopic
166 pregnancy, complications of pregnancy loss or abortion, active labor, risks to future fertility,
167 preterm premature rupture of membranes, placental abruption or bleeding from placenta previa
168 or emergent hypertensive disorders, such as preeclampsia and eclampsia and peripartum
169 cardiomyopathy, and any other condition a licensed health care provider, acting within their
170 lawful scope of practice, determines in the provider's best medical judgment, to be an emergency
171 as defined in this paragraph.

172 "Patient", any person who presents at the hospital or who is brought to a hospital by
173 ambulance or specialized emergency medical services vehicle as defined in section 1 of chapter
174 111C.

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

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

187 providing services to patients, preventing delay in examination or treatment of patients and
188 whistleblower protections.

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

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

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

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

197 “Business”, (i) a business organized for the purpose of maintaining medical information
198 to make an individual’s medical information available to said individual or to a provider of
199 health care at the request of said individual or a provider of health care, for purposes of allowing
200 the 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 provider of health
205 care at the request of the individual or a provider of health care, for purposes of allowing the
206 other 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) any business that is licensed by the department of public health or the department of
209 mental health to 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 "Reproductive health care services", as defined in section 1111/2 of chapter 12.

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

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

226 (ii) prevent the disclosure, access, transfer, transmission or processing of medical
227 information related to reproductive health care services, in vitro fertilization or gender-affirming
228 health care services to persons and entities outside of the commonwealth, absent the express

229 written consent of the patient, independent of any other agreement, that specifically authorizes
230 the disclosure, access, transfer, transmission or processing of such medical information to the
231 named persons or entities outside of the commonwealth; and

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

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

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

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

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

246 The commissioner of public health shall not, pursuant to this section, collect, maintain,
247 use, disclose or disseminate disaggregated surveillance data or individually identifiable
248 surveillance data on abortions performed in the commonwealth. The name, home address,
249 personal email address and telephone number of individuals engaged in the provision, facilitation

250 or promotion of reproductive health care services, as defined in section 1111/2 of chapter 12,
251 shall not be considered a public record under chapter 66.

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

254 Section 12Q1/2. The commissioner of public health shall not collect, maintain or use
255 individually identifiable data on gender-affirming health care services provided in the
256 commonwealth, as defined in section 1111/2 of chapter 12, except as authorized by law, and shall
257 not disclose or disseminate disaggregated data or individually identifiable surveillance data on
258 gender-affirming health care services, as defined in said section 1111/2 of said chapter 12,
259 provided in the commonwealth. The name, home address, personal email address, home
260 telephone number and mobile telephone number of individuals engaged in the provision,
261 facilitation or promotion of gender-affirming health care services, as defined in section 1111/2 of
262 chapter 12, shall not be considered a public record under chapter 66.

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

266 Notwithstanding any general or special law to the contrary, no person shall be subject to
267 discipline by a board of registration, including through the revocation, suspension or cancellation
268 of a certificate, registration or license, or a reprimand, censure or monetary fine, for providing or
269 assisting in the provision of reproductive health care services or gender-affirming health care
270 services, as those terms are defined in section 1111/2 of chapter 12, or for any judgment,
271 discipline or other sanction arising from such health care services if the services as provided

272 would have been lawful and consistent with the standard of conduct for the designated profession
273 had they occurred entirely in the commonwealth.

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

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

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

290 (d) The removal of a child from the care or custody of a parent, custodian or guardian in
291 another jurisdiction based on the parent, custodian or guardian allowing their child to seek or
292 receive gender-affirming health care services, as defined in section 11I1/2 of chapter 12, shall
293 not provide a basis for adjudicating the child in need of care and protection under this section

294 unless the conduct of the parent, custodian or guardian would otherwise constitute abuse or
295 neglect under the law of the commonwealth.

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

299 (b) Notwithstanding any general or special law to the contrary and except as required by
300 federal law, no state or local law enforcement agency or officer or employee or any other person
301 acting on behalf of a state or local law enforcement agency of the commonwealth, while acting
302 under color of law, shall provide information or assistance to a federal law enforcement agency
303 or any other state's agency, including a law enforcement agency, or any private citizen or quasi-
304 law enforcement agent, or expend or use time, money, facilities, property, equipment, personnel
305 or other resources in relation to an investigation or inquiry into services constituting legally-
306 protected health care activity, as defined in section 111I/2 of chapter 12, if such services would
307 be lawful as provided had they occurred entirely in the commonwealth.

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

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

312 Section 193V. No insurance company offering for sale any policy of insurance shall
313 discriminate against a nonprofit charitable organization, including those corporations qualified
314 under 26 USC section 501(c)(3), or adjust or otherwise calculate such nonprofit charitable
315 organization's risk classification or premium charges in the provision of any form of liability

316 insurance covering negligence, wrongful acts, errors or omissions of the organization and its
317 respective members, directors and officers, solely on the basis that: (i) the organization offers
318 reproductive health care services or gender-affirming health care services, as those terms are
319 defined in section 1111/2 of chapter 12; (ii) the organization engages in legally-protected health
320 care activity, as defined in said section 1111/2 of said chapter 12; or (iii) the organization is or
321 has been the subject of abusive litigation, as defined in said section 1111/2 of said chapter 12.
322 Nothing herein shall prohibit such insurers from establishing reasonable classifications of risks
323 and premium charges based upon the relative risk associated with practice in a particular
324 specialty.

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

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

332 (b) The connector shall grant providers, provider organizations and public and private
333 health care payers access to identifiable health information of an individual solely for the
334 purposes of carrying out treatment, payment, health care operations or its functions as a health
335 insurance exchange.

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

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

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

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

353 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
354 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
355 affirming health care services, as defined in section 111I/2 of chapter 12, or a finding that a
356 parent or guardian is criminally, civilly or otherwise liable for violating another state's law that
357 bans the provision of gender-affirming health care services as evidence in any proceeding with

358 respect to that parent or guardian and any of their children, unless the conduct of the parent or
359 guardian would constitute abuse, neglect or maltreatment under the laws of the commonwealth.

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

362 Section 12. (a) A law of a jurisdiction outside the commonwealth that authorizes a child
363 to be removed from the care or custody of a parent or guardian based on the parent or guardian
364 allowing their child to receive gender-affirming health care services, as defined in section 111I/2
365 of chapter 12, or that bans the provision of gender-affirming health care services shall not
366 provide a basis to alter custody, parenting time or visitation or be used to make a finding of
367 abuse, neglect or maltreatment in a case pending in a court in the commonwealth, unless the
368 conduct of the parent or guardian would constitute abuse, neglect or maltreatment under the laws
369 of the commonwealth.

370 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
371 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
372 affirming health care services, as defined in section 111I/2 of chapter 12, or a finding that a
373 parent or guardian is criminally, civilly or otherwise liable for violating another's state's law that
374 bans the provision of gender-affirming health care services as evidence in any proceeding in
375 which such parent or guardian and any of such parent's or guardian's children are parties, unless
376 the conduct of the parent or guardian would constitute abuse, neglect or maltreatment under the
377 laws of the commonwealth.

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

380 Section 15. (a) A law of a jurisdiction outside the commonwealth that authorizes a child
381 to be removed from the care or custody of a parent or guardian based on the parent or guardian
382 allowing their child to receive gender-affirming care health care services, as defined in section
383 11I1/2 of chapter 12, or that bans the provision of gender-affirming health care services shall not
384 provide a basis to alter custody, parenting time or visitation or be used to make a finding of
385 abuse, neglect or maltreatment in a case pending in a court in the commonwealth, unless the
386 conduct of the parent or guardian would constitute abuse, neglect or maltreatment under the laws
387 of the commonwealth.

388 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or
389 maltreatment based on a parent or guardian allowing their child to receive or seek gender-
390 affirming health care services, as defined in section 11I1/2 of chapter 12, or a finding that a
391 parent or guardian is criminally, civilly or otherwise liable for violating another's state's law that
392 bans the provision of gender-affirming health care services as evidence in any proceeding with
393 respect to that parent or guardian and any of their children, unless the conduct of the parent or
394 guardian would constitute abuse, neglect or maltreatment under the laws of the commonwealth.

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

397 Section 25. (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 health care services, as defined in section 11I1/2
400 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 in
410 which such parent or guardian and any of such parent's or guardian's children are parties, unless
411 the conduct of such parent or guardian would constitute abuse, neglect or maltreatment under the
412 laws of the commonwealth.

413 SECTION 24. Chapter 221 of the General Laws is hereby amended by inserting after
414 section 40 the following section:-

415 Section 40A. Notwithstanding any general or special law or rule or regulation to the
416 contrary, no attorney licensed in the commonwealth may be removed or otherwise subject to
417 discipline, including through the revocation, suspension or cancellation of the attorney's license
418 or reprimand, censure or monetary fine, for advising or representing a client or prospective client
419 on or in a matter related to the provision of reproductive health care services or gender-affirming
420 health care services, as those terms are defined in section 1111/2 of chapter 12, if the sole basis
421 for such removal or discipline is that: (i) the client offered, provided or received reproductive
422 health care services or gender-affirming health care services that are unlawful in another state;
423 (ii) another state's laws creates actual or potential liability for the reproductive health care

424 services or gender-affirming health care services offered, provided or received by the client; or
425 (iii) the attorney is subject to actual or potential liability, or removal or discipline, in another
426 jurisdiction based on the reproductive health care services or gender-affirming health care
427 services offered, provided or received by the client; provided, however, that the attorney's
428 conduct shall otherwise comply with the laws of the commonwealth and meet the standards set
429 forth in the rules of professional conduct promulgated by the supreme judicial court.

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

431 SECTION 26. Subsection (b) of section 70I of chapter 111 of the General Laws shall take
432 effect not later than July 1, 2026.