The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.

WEDNESDAY, JULY 13, 2022

[59]

JOURNAL OF THE SENATE

Wednesday, July 13, 2022.

Met at twelve minutes past one o'clock P.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag. Pledge of allegiance.

Communication.

Communication from the Executive Office of Health and Human Services (pursuant to Section 30 of Chapter 22 of the Acts of 2022) submitting an update to its COVID-19 vaccine equity plan 60-day report (received July 13, 2022),-- **was placed on file.** EOHHS,-- VEI report. SD3253

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Fall River District Registry of Deeds (pursuant to Section 2KKK(a) of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received July 6, 2022); and Fall River ROD,-- tech fund report. SD3252

Report of the Massachusetts Technical Rescue Coordinating Council (pursuant to Section 2DDDDD of Chapter 29 of the General Laws) submitting its fiscal year 2022 annual report (received July 6, 2022). TRCC,-- annual report. SD3254

Report of the Department of Elementary and Secondary Education (pursuant to Section 1J(a) of Chapter 69 of the General Laws) submitting its amended regulations as adopted by the Board to 603 CMR 2.03: Accountability and assistance for school districts and schools (Senate, No. 2999) (received July 12, 2022),-- **was referred to the committee on Education.** DESE,-- CMR amendment.

Sent to the House for concurrence.

Petition.

Mr. Crighton (by request) presented a petition (accompanied by resolutions) (subject to Joint Rule 12) of Paul Anderson for the adoption of resolutions enhancing global governance via a strengthened and revised United Nations Charter**,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.** United Nations,-- charter. SD3251

Reports of Committees.

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill to facilitate access to treatment (Senate, No. 1268); Treatment,-- release form.

By the same Senator, for the same committee, on petition, a Bill to better coordinate suicide prevention services, behavioral health crisis care, and emergency services through Suicide prevention,-- crisis hotline.

988 implementation (Senate, No. 1274); and

By the same Senator, for the same committee, on petition, a Bill to improve access to behavioral health services (Senate, No. 1291); Behavioral health services,-- access.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on Senate, Nos. 1264 and 1280, a Bill relative to best practices for sober homes (Senate, No. 1280); Sober homes,-- best practices.

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill establishing an Indigenous Peoples Day (Senate, No. 2027) [Representative Barrows of Mansfield dissenting]; Indigenous Peoples Day.

Read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 5008) of Tommy Vitolo and Cynthia Stone Creem (by vote of the town) relative to eligibility for voting in local elections in the town of Brookline; Brookline,-- voting eligibility.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 5009) of Steven C. Owens, John J. Lawn, Jr. and William N. Brownsberger (with the approval of the city council) that the city known as the town of Watertown be authorized to adopt an affordable housing linkage fee for non-residential development; and Watertown,-- linkage fee.

Petition (accompanied by bill, House, No. 5010) of Danillo A. Sena, Tami L. Gouveia and James B. Eldridge (by vote of the town) relative to bidding requirements for a certain affordable housing project in the town of Acton; Acton,-- affordable housing.

Severally to the committee on Housing.

Petition (accompanied by bill, House, No. 5011) of Hannah Kane and Michael O. Moore (by vote of the town) relative to changing the name of the board of selectmen to select board in the town of Shrewsbury; Shrewsbury,-- board of selectmen.

Petition (accompanied by bill, House, No. 5012) of Danillo A. Sena and Tami L. Gouveia (by vote of the town) that the town of Acton be authorized to establish a minimum charge for checkout bags in said town; and Acton,-- checkout bags.

Petition (accompanied by bill, House, No. 5013) of Danillo A. Sena, Tami L. Gouveia and James B. Eldridge (by vote of the town) that the town of Acton be authorized to adopt alternative methods for notice of public hearings; Acton,-- public hearings.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5014) of Andres X. Vargas and James M. Kelcourse (with the approval of the mayor and city council) that the Haverhill Retirement Board be authorized to grant creditable service to John Farrell, an employee of the fire department of the city of Haverhill; John Farrell,-- creditable service.

To the committee on Public Service.

Bills

Designating a certain bridge in the city of North Adams as the William F. Evans Memorial Bridge (House, No. 4661,-- on petition); and North Adams,-- Evans Memorial Bridge.

Designating a certain portion of state highway in the town of Plymouth as Plimoth Plymouth,-- Plimoth Patuxet highway.

Patuxet highway (House, No. 4743,-- on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Bills

Authorizing the licensing authority of the town of Hull to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4667,-- on House, No. 4235) [Local approval received on House, No. 4235]; Hull,-- liquor licenses.

Authorizing the town of Raynham to grant additional licenses for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4746,-- on House, No. 4324) [Local approval received on House, No. 4324]; Raynham,-- liquor licenses.

Authorizing the creation of a linkage fee for development in the city of Chelsea (House, No. 4789,-- on petition) [Local approval received]; Chelsea,-- linkage fee.

Authorizing the town of Duxbury to offset betterment assessments from funds received from the Federal Emergency Management Agency (House, No. 4809,-- on petition) [Local approval received]; and Duxbury,-- betterment assessments.

Authorizing the town of Harvard to establish a cap on property taxes for means tested senior citizens (House, No. 5019,-- on House, No. 3734) [Local approval received on House, No. 3734]; Harvard,-- senior property tax.

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Engrossed Bill.

An engrossed Bill authorizing the town of Whately to continue the employment of Edwin Zaniewski (see House, No. 4206) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.** Bill laid before the Governor.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 5024) of Daniel Cahill and others (with the approval of the mayor and city council) that the city of Lynn be authorized to grant certain conservation restrictions to the Department of Conservation and Recreation and the Essex County Greenbelt Association, Inc. in the city of Lynn, town of Saugus, and town of Lynnfield; Lynn,-- conservation restrictions.

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 5025) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) relative to bidding requirements for the state-funded public housing project known as Lee Fort Terrace in the city of Salem; Salem,-- Lee Fort Terrace.

Under suspension of Joint Rule 12, to the committee on Housing.

The Senate Bill relative to military spouse-licensure portability, education and enrollment of dependents (Senate, No. 2559),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4978. Military dependents,-- education.

Mr. Tarr moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Velis, Cronin and Fattman were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Second reading bills.

Authorizing the town of Boxford to establish the Boxford small repair grants trust (Senate, No. 2935); and

Relative to changing the term board of selectmen to Select Board in the town of Wilmington (Senate, No. 2936).

Were severally read a second time and ordered to a third reading.

Recess.

Recess.

There being no objection, at a quarter past one o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at fourteen minutes past two o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

Reproductive rights.

The House Bill expanding protections for reproductive rights (House, No. 4954),-- was read a second time.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER FROM THE HOUSE.

Oak Bluffs,-- Martha's Vineyard Commission.

A Bill relative to the authority of the Martha's Vineyard Commission and the town of Oak Bluffs to exchange parcels of land (House, No. 4321,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Orders of the Day.

The Orders of the Day were further considered as follows:

Reproductive rights.

The House Bill expanding protections for reproductive rights (House, No. 4954),-- was further considered, the main question being on ordering the bill to a third reading.

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Ms. Creem in the Chair, after remarks, pending the question on adoption of the amendment previously recommended by Ms. Friedman (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2996) and pending the question on ordering the bill to a third reading, Ms. Rausch and Mr. Eldridge moved to amend the proposed new text by inserting, after section 9, the following section:-

"SECTION 9A. Said chapter 112, as so appearing, is hereby amended in section 12P by striking out the second sentence."

After remarks, the amendment was *rejected.*

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER FROM THE HOUSE.

Negro Election Day.

Mr. Brownsberger in the Chair, the Senate Bill establishing the third Saturday in July

as Negro Election Day (Senate, No. 2703),-- came from the House passed to be engrossed, in concurrence *with an amendment* inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith the third Saturday in July as Negro Election Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The rules were suspended, on motion of Ms. Friedman, and the House amendment was considered forthwith and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill expanding protections for reproductive rights (House, No. 4954),-- was further considered, the main question being on ordering the bill to a third reading. Reproductive rights.

Mr. Hinds, Ms. Rausch, Ms. Gobi and Mr. Eldridge moved to amend the proposed new text in section 15, by adding the following words:- 10

"The division shall provide reasonable travel and lodging expense reimbursement through state funds to any Massachusetts resident patient seeking an abortion, who resides in any Massachusetts county with no facilities that provide medical abortions to its patients or resides more than 25 miles from any facility that provides medical abortions to its patients."

The amendment was *rejected.*

Ms. Creem in the Chair, Ms. Rausch, Ms. DiZoglio and Messrs. Eldridge and Montigny moved to amend the proposed new text by inserting, after section 5, the following section: 11

"SECTION 5A. Said section 17C of chapter 32A of the General Laws, as so appearing, is hereby further amended by inserting after the words 'postpartum care,' the following words:- 'including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum,'";

In section 6 by striking the words "or abortion-related care" and inserting in place thereof the following words:- ", abortion-related care, post-miscarriage mental health care or postpartum mental health care";

By inserting, after section 14, the following section:-

"SECTION 14A. Said section 10A of chapter 118E, as so appearing, is hereby further amended by inserting after the words 'postpartum care' the following words:- ', including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum'.";

By inserting, after section 17, the following section:-

"SECTION 17A. Said section 47F of chapter 175, as so appearing, is hereby further amended by inserting after the words 'postpartum care' the following words:- ', including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum,'.";

In section 18 by striking the words "or abortion-related care" and inserting in place thereof the following words:- ", abortion-related care, post-miscarriage mental health care or postpartum mental health care";

By inserting, after section 20, the following section:-

"SECTION 20A. Said section 8H of chapter 176A, as so appearing, is hereby further amended by inserting after the words 'postpartum care' the following words:- ', including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum,'.";

In section 22 by striking the words “or abortion-related care” and inserting in place thereof the following words:- “, abortion-related care, post-miscarriage mental health care or postpartum mental health care”;

By inserting, after section 23, the following section:-

“SECTION 23A. Said section 4H of chapter 176B, as so appearing, is hereby further amended by inserting after the words ‘postpartum care’ the following words:- ‘, including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum’;

In section 25 by striking the words ‘or abortion-related care’ and inserting in place thereof the following words:- ‘, abortion-related care, post-miscarriage mental health care or postpartum mental health care’;

By inserting, after section 26, the following section:-

“SECTION 26A. Said section 4I of chapter 176G, as so appearing, is hereby further amended by inserting after the words ' postpartum care' the following words:- ‘, including without limitation post-miscarriage mental health care and postpartum mental health care for up to 12 months postpartum.’.”;

In section 27 by striking the words “or abortion-related care”, each time they appear, and inserting in place thereof the following words:- “, abortion-related care, post-miscarriage mental health care or postpartum mental health care”; and

By inserting at the end thereof the following section:-

“SECTION X. A health care provider who provides miscarriage care, treatment, or management shall, at minimum, screen a patient for a decline in mental health on the third, seventh, and fourteenth days after a miscarriage. The department of public health, through its licensing boards, may promulgate regulations or adopt guidance regarding the provision of the screenings required by this section.”

After remarks, the amendment was *rejected.*

Mr. Cyr and Ms. Edwards moved to amend the proposed new text in section 6, by 18
inserting after the word “requirement”, in line 113, the following words:- “; provided, however, that deductibles, coinsurance or copayments shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on deductibles, coinsurance or copayments for these services”;

In section 18, by inserting after the word “requirement”, in line 300, the following words:- “; provided, however, that deductibles, coinsurance or copayments shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on deductibles, coinsurance or copayments for these services”;

In section 22, by inserting after the word “requirement”, in line 331, the following words:- “; provided, however, that deductibles, coinsurance or copayments shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on deductibles, coinsurance or copayments for these services”;

In section 25, by inserting after the word “requirement”, in line 352, the following words:- “; provided, however, that deductibles, coinsurance or copayments shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on deductibles, coinsurance or copayments for these services”; and

In section 27, by inserting after the word “requirement”, in line 370, the following words:- “; provided, however, that deductibles, coinsurance or copayments shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on deductibles, coinsurance

or copayments for these services".

After remarks, the amendment was adopted.

Mr. Crighton moved that the proposed new text be amended by inserting the text of Senate document numbered 3002, relative to Genetic Counselors. 19

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by adding the following section:- 20

"SECTION XX. The Center for Health Information and Analysis shall review the impacts on insurers relative to the costs and other impacts of the implementation of this act, and shall compile a report of this review annually and submit a copy of said report to the clerks of the House and Senate no later than December 31st, for the first five years following the passage of this act."

After remarks, the amendment was *rejected.*

Mr. Tarr moved that the proposed new text be amended by adding the following section:- 21

"SECTION XX. The Division of Medical Assistance shall, for a period of five years, annually review the costs and impacts on sustainability of this act on the MassHealth Program, and shall compile a report annually detailing this review and submit this report to the clerks of the house and senate no later than December 31st for the first five years following the passage of this act, and whom shall post the report electronically."

The amendment was *rejected.*

Mr. Tarr moved to amend the proposed new text by adding the following section:- 22

"SECTION XX. The Division of Insurance shall conduct a comparative analysis of the procedures subject to this act for which no cost sharing is required compared with other procedures for which no cost sharing is required. The Division of Insurance shall submit their analysis of this comparison in a report to the clerks of the house and senate no later than one year after the passage of this act."

The amendment was *rejected.*

Ms. Edwards, Ms. DiZoglio and Mr. Tarr moved to amend the proposed new text in section 1, by inserting after the word "location", in line 18, the following words:- "; and provided further, that 'legally-protected health care activity' shall not include any service rendered below an applicable professional standard of care or that would violate anti-discrimination laws of the commonwealth"; and 27

In section 4, by inserting after the word "location", in line 68, the following words:- "; and provided further, that 'legally-protected health care activity' shall not include any service rendered below an applicable professional standard of care or that would violate anti-discrimination laws of the commonwealth".

After remarks, the amendment was adopted.

Ms. Rausch, Ms. DiZoglio and Mr. Eldridge moved to amend the proposed new text by inserting, after section 32, the following section:- 28

"SECTION 32A. Section 120E1/2 of chapter 266 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended in subsection (a), in the definition of the term 'impede', by striking the words 'to obstruct, block, detain or render passage impossible, unsafe or unreasonably difficult' and inserting in place thereof the following words:- (1) obstructing, blocking, detaining or rendering passage impossible, unsafe or unreasonably difficult; (2) making noise that unreasonably disturbs the peace within the facility; (3) trespassing on the facility or the common areas of the real property upon which the facility is located; (4) telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or (5) threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone or online account under his or her control to be used for such

purpose.’.”;

In said subsection (a), in the definition of the term “reproductive health care facility”, by striking the words “, other than within or upon the grounds of a hospital,”;

In subsection (h) by striking the words “or (g)” and inserting in place thereof the following words:- “ (g), (l), (m), (n), or (o)”; and

By inserting at the end thereof the following subsections:-

“(l) No person shall come within eight feet of another person, unless the other person consents, for the purpose of passing written or printed materials, displaying a sign to, or engaging in oral protest, education, or counseling on a public way or sidewalk within a 100-foot radius from any entrance to a reproductive health care facility. A person who knowingly violates this subsection shall be punished, for the first offense, by a fine of not more than $500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment, and for each subsequent offense, by a fine of not more than $5,000 or not more than 2 ½ years in a jail or house of correction or by both such fine and imprisonment.

(m) A person who knowingly vandalizes or attempts to vandalize a reproductive health care facility shall be punished, for the first offense, by a fine of not more than $500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not more than $5,000 or not more than 2 ½ years in a jail or house of correction or by both such fine and imprisonment.

(n) A person who knowingly releases a substance that produces noxious odors on or near the premises of a reproductive health care facility shall be punished, for the first offense, by a fine of not more than $500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not more than $5,000 or not more than 2 ½ years in a jail or house of correction or by both such fine and imprisonment.

(o) A person who knowingly possesses a weapon while impeding or attempting to impede access to a reproductive health care facility or who is in violation of subsection (l) of this section shall be punished, for the first offense, by a fine of not more than $500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not more than $5,000 or not more than 2 ½ years in a jail or house of correction or by both such fine and imprisonment.”

After remarks, the amendment was *rejected.*

Mr. Brownsberger in the Chair, Ms. Jehlen, Ms. Comerford, Mr. Lewis, Ms. Edwards, 29
Ms. Creem, Ms. Chang-Diaz and Ms. Rausch moved to amend the proposed new text by inserting after section 9 the following section:-

“SECTION 9A. Said chapter 112 is hereby further amended by inserting after section 12N the following section:-

Section 12N½. (a) Each circumstance permitting an abortion for a pregnancy that has existed for 24 weeks or more under section 12N shall be considered independently by a treating physician and a patient or the patient’s health care proxy. No medical review process shall override a determination by a treating physician and a patient to provide an abortion consistent with said section 12N.

(b) Annually, not later than September 1, every facility authorized to perform health care services under section 12N shall submit to the department of public health a written report that includes the facility’s procedures and processes for providing services consistent with said section 12N and this section.”

After remarks, the amendment was adopted.

Mr. DiDomenico and Ms. Edwards moved to amend the proposed new text in section 9
3, by inserting after the word “Inc.”, in line 38, the second time it appears, the following words:- “, ABCD, Inc. on behalf of the MA Family Planning Association, The

Massachusetts League of Community Health Centers, Inc., the Maternal Outcomes for Translational Health Equity Research Lab, Resilient Sisterhood Project, Inc., Health Care Without Walls, Inc., Our Bodies Ourselves".

After remarks, the amendment was adopted.

Mr. Lewis, Ms. Rausch, Ms. Comerford, Mr. Lesser, Ms. DiZoglio, Ms. Creem, Messrs. Hinds, Feeney and Eldridge, Ms. Jehlen and Ms. Edwards moved to amend the prosed new text by inserting after section 4 the following section:- 1

"SECTION 4A. Chapter 15A of the General Laws is hereby amended by adding the following 2 sections:-

Section 46. (a) As used in this section and section 47, the following words shall have the following meanings unless the context clearly requires otherwise:

'Institution', a public institution of higher education listed in section 5.

'Medication abortion', abortion provided by medication techniques.

'Medication abortion readiness', each institution's preparedness to provide medication abortions to students or assist students in obtaining medication abortions, including, but not limited to, having in place equipment, protocols, patient educational materials, informational websites and training for staff; provided, however, that 'medication abortion readiness' may include the provision of medication abortions.

'Health center', a clinic or health center providing primary health care services to students operated by an institution.

(b) (1) Each institution shall develop a medication abortion readiness plan for its students.

(2) The department of public health shall issue guidance to all institutions regarding the required contents of medication abortion readiness plans in accordance with the varied capabilities of institutions to provide services including, but not limited to, directly providing medication abortions to students in a health center, providing referrals for abortion care services not provided in the health center or providing information to students about obtaining a medication abortion. In developing the guidance, the department shall consider factors including, but not limited to, whether the institution has an operational health center on campus, the institution's proximity to a hospital, clinic or other facility that provides medication abortion, availability, convenience and cost of public transportation between the institution and closest facility that provides medication abortion and whether the institution employs health care workers on campus.

(3) The department of public health shall review medication abortion readiness plans annually, taking into consideration any changes to the capacity of each institution to provide services to students since the preceding approval of the plan.

(c) Each institution shall annually submit any amendments or revisions to its medication abortion readiness plan to the department of public health.

(d) Annually, not later than January 31, the department of public health shall determine whether the plan is adequate in proportion to each institution's capacity. The department shall provide further guidance to institutions with plans deemed inadequate that includes remedial measures for the institution to develop an adequate plan.

Section 47. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Public University Health Center Sexual and Reproductive Health Preparation Fund for the purpose of medication abortion readiness. The fund shall be administered by the department of public health, in consultation with the department of higher education. The fund shall be credited with: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (ii) funds from non-state entities, including, but not limited to, gifts, grants and donations from private entities and local and federal government agencies. Amounts credited to the fund shall not be subject to further

appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) The department of public health shall utilize money in the fund to:

(i) provide a grant to each health center to pay for the cost of direct and indirect medication abortion readiness; provided, however, that, the department shall prioritize applications from the University of Massachusetts and state university segments and create a simple application process for community colleges to apply for funding; and provided further, that allowable expenses under these grants shall include, but not be limited to: (A) the purchase of equipment used in the provision of medication abortions; (B) facility and security upgrades; (C) costs associated with enabling the health center to deliver telehealth services; (D) costs associated with training staff in the provision of medication abortions; (E) staff cost reimbursement and clinical revenue offset while staff are in trainings; and (F) billing specialist consultation;

(ii) pay the direct and indirect costs of the department of public health associated with administration of the fund, including the costs of hiring staff; and

(iii) maintain a system of financial reporting on all aspects of the fund.

(c) Each health center grantee shall, as a condition of receiving a grant award from the fund, participate in an evaluation of its medication abortion readiness and its provision of medication abortions.

(d) The department of public health, working with the health centers, shall assist and advise on potential pathways for health centers to access public and private payers to provide funding for ongoing costs of providing medication abortions.

(e)(1) Annually, not later than December 31, the department of public health shall submit a report to the clerks of the senate and house of representatives, including, but not limited to, all of the following information for each reporting period:

(i) an accounting of the medication abortion plans of all institutions, including, but not limited to, a list of institutions that have submitted plans deemed adequate by the department, a list of institutions that are actively developing a remedial plan and a list of institutions that have not submitted an adequate plan to the department;

(ii) the number of medication abortions provided at health centers, disaggregated, to the extent possible, by the health center;

(iii) the total amount of funds granted by the department of public health to each institution and its health center from the fund that is expended on medication abortion readiness and the total amount of any other funds expended on medication abortion readiness and the source of those funds, disaggregated by use and, to the extent possible, health center; and

(iv) the total amount of funds expended on the provision of medication abortions and the source of those funds, disaggregated by use and, to the extent possible, health center.

(2) The report required in paragraph (1) and any associated data collected shall comply with state and federal privacy laws, including, but not limited to, section 70E of chapter 111, the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.”; and

By adding the following 3 sections:-

“SECTION 39. An institution, as defined in section 46 of chapter 15A of the General Laws, shall not be required to utilize money from its general fund or student fees for medication abortion readiness required under said section 46 of said chapter 15A until January 1, 2026.

SECTION 40. Each institution’s first medication abortion readiness plan as required under subsection (b) of section 46 of chapter 15A of the General Laws shall be submitted to the department of public health not later than November 30, 2023 and the department

shall review such plans for suitability by January 31, 2024.

SECTION 41. Subsection (c) and (d) of section 46 of chapter 15A of the General Laws shall take effect on February 1, 2024."

After remarks, the amendment was adopted.

Mr. Moore and Ms. Gobi moved to amend the proposed new text by inserting after section 7 the following section:- 7

"SECTION 7A. Said chapter 94C is hereby amended by inserting after section 19D the following section:-

Section 19E. (a) A registered pharmacist may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to a person who is:

(i) 18 years of age or older, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive; or

(i) Less than 18 years of age; provided, however, that the registered pharmacist may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to the person only if the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

(b) The department shall adopt rules to establish, in consultation with the board of registration in medicine, the board of registration in pharmacy and MassHealth, and in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, standard procedures for the prescribing of hormonal contraceptive patches and self-administered oral hormonal contraceptives by pharmacists.

(c) The rules adopted under this section shall: (i) require a pharmacist to: (A) complete a training program approved by the board of pharmacy that is related to prescribing hormonal contraceptive patches and self-administered oral hormonal contraceptives; (B) provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's prescribing the hormonal contraceptive patch or self-administered oral hormonal contraceptive; (C) refer the patient to the patient's primary care practitioner or women's health care practitioner upon prescribing and dispensing the hormonal contraceptive patch or self-administered oral hormonal contraceptive; (D) provide the patient with a written record of the hormonal contraceptive patch or self-administered oral hormonal contraceptive prescribed and dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and (E) dispense the hormonal contraceptive patch or self-administered oral hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription; and (ii) prohibit a pharmacist from: (A) requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a hormonal contraceptive patch or self-administered oral hormonal contraceptive; and (B) prescribing and dispensing a hormonal contraceptive patch or self-administered oral hormonal contraceptive to a patient who previously received a prescription and dispensation of a hormonal contraceptive patch or self-administered oral hormonal contraceptive by a pharmacist and who does not have evidence of a clinical visit for women's health within 1 year immediately following such previous prescription and dispensation."

After remarks, the amendment was adopted.

Ms. Rausch, Ms. DiZoglio, Mr. Eldridge and Ms. Edwards moved to amend the proposed new text by inserting, after section 9, the following section:- 4

"SECTION 9A. Said chapter 112, as appearing, is hereby amended by inserting the following new section:-

Section 12S. The department of public health, in consultation with Reproductive

Equity Now, Inc., shall create and publish on its website and in print copy, as practicable, a list of abortion provider facilities opting to be included on said list. The listing shall be updated annually. The online listing shall be updated more frequently, as required or requested by a provider or provider facility and shall be sortable by geographic region."

After remarks, the amendment was adopted.

Ms. Rausch and Messrs. Lewis, Eldridge and Keenan moved to amend the proposed new text by inserting, after section 9, the following section:- 8

"SECTION 9A. Said chapter 112, as so appearing, is hereby further amended in section 12K by adding the following definition:- 'Abortion-related care', a service complementary or related to the provision of an abortion, including without limitation any service related to managing a miscarriage."

After remarks, the amendment was adopted.

Ms. Rausch and Messrs. Eldridge and Hinds moved to amend the proposed new text by inserting after section 37 the following section:- 12

"SECTION 37A. Not later than April 1, 2023, the department of public health, in consultation with Reproductive Equity Now, Inc., shall issue a report to the senate and house committees on ways and means and the joint committee on public health identifying areas of the commonwealth in which pregnant people do not have access to abortion, as defined in section 12K of chapter 112 of the General Laws, or birth care within a radius of 50 miles and providing recommendations to facilitate access to abortion and birth care in the identified areas. The report shall be made publicly available on the department's website."

After remarks, the amendment was adopted.

Recess.

There being no objection, at ten minutes before five o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at seventeen minutes past five o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair. Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill expanding protections for reproductive rights (House, No. 4954),-- was again considered, the main question being on ordering the bill to a third reading. Reproductive rights.

Mr. Tarr moved to amend the proposed new text by striking out in section 1, in lines 7-18, the definition of "Legally protected health care activity" and inserting in place thereof the following words:- "'Legally-protected health care activity', (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services as such rights are provided for by the constitution or laws of the commonwealth or the provision of insurance coverage for such services; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services as such rights are provided for by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service and the provision of insurance coverage for such service shall be legally protected only if the service is permitted under the laws of the commonwealth and provided by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth.";

By striking out in section 4, in lines 47-68, the definition of "Legally protected health care activity" and inserting in place thereof the following words:- "'Legally-protected

health care activity', (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services as such rights are provided for by the constitution or laws of the commonwealth or the provision of insurance coverage for such services; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services as such rights are provided for by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service and the provision of insurance coverage for such service shall be legally protected only if the service is permitted under the laws of the commonwealth and provided by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth.";

By inserting in section 8, in line 178, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of medicine in any other state by any person licensed by or applying for licensure by the board";

By inserting in section 9, in line 194, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of physician assistants in any other state by any person licensed by or applying for licensure by the board";

By inserting in section 10, in line 212, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of pharmacists in any other state by any person licensed by or applying for licensure by the board";

By inserting in section 11, in line 237, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of nursing in any other state by any person licensed by or applying for licensure by the board";

By inserting in section 12, in line 253, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of psychology in any other state by any person licensed by or applying for licensure by the board";

By inserting in section 13, in line 269, after the word "state" the following words:- "or to permit the board to disregard or approve the unlicensed practice of social work in any other state by any person licensed by or applying for licensure by the board";

By striking out in section 33 the two paragraphs inserted by lines 413-433 and inserting in place thereof the following 2 paragraphs:-

"The governor may also surrender, on demand of the executive authority of any other state, any person in the commonwealth charged in such other state in the manner provided in section 14 with committing an act in this commonwealth, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, hereafter in this section and in sections 14 to 20P, inclusive, referred to as the demanding state and the provisions of sections 11 to 20R, inclusive, not otherwise inconsistent shall apply to such cases even though the accused was not in the demanding state at the time of the commission of the crime

The governor shall not surrender a person charged in another state as a result of engaging in legally-protected health care activity, as defined in section 11I½ of chapter 12, unless the executive authority of the demanding state shall allege in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state."; and

By striking out section 34.

The amendment was *rejected.*

Mr. Rodrigues moved to amend the proposed new text in section 4, in proposed subsection (d) of section 11I½ of chapter 12, by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:- 14

"(d) If a person, including any plaintiff, prosecutor, attorney or law firm, whether or not acting under color of law, engages or attempts to engage in abusive litigation that infringes on, interferes with or attempts to infringe on or interfere with legally-protected health care activity, any aggrieved person, provider, carrier or other entity, including any defendant in such abusive litigation, may institute and prosecute a civil action for injunctive, monetary or other appropriate relief within 3 years after the cause of action accrues.

Any aggrieved person, provider, carrier or other entity, including any defendant in such abusive litigation, may move to modify or quash any subpoena issued in connection with such abusive litigation on the grounds that the subpoena is unreasonable, oppressive or inconsistent with the public policy of the commonwealth pursuant to the Massachusetts Rules of Civil Procedure."; and

In section 38, by striking out, in lines 450 and 451, the words "6 months from the effective date of this act" and inserting in place thereof the following words:- "on or after January 1, 2023".

The amendment was adopted.

The Friedman amendment (S2996), as amended, was then adopted.

The bill, as, amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes past five o'clock P.M., on motion of Ms. Friedman, as follows, to wit (yeas 40 to nays 0) **[Yeas and Nays No. 203]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Velis, John C. − **40.**

NAYS − 0.

The yeas and nays having been completed at twenty-nine minutes before six o'clock P.M., the bill was passed to be engrossed, in concurrence with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 3003].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Ms. Friedman,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M. in a full formal session with a calendar. Time of meeting.

On motion of Mr. Brady, at twenty-nine minutes before six o'clock P.M, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.