SENATE DOCKET, NO. 2808 FILED ON: 4/7/2025

SENATE . . . . . No. 2522

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act strengthening health care protections in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cindy F. Friedman	*Fourth Middlesex*	
Andrea Joy Campbell	*Attorney General*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*4/14/2025*
Julian Cyr	*Cape and Islands*	*4/14/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*4/14/2025*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*4/17/2025*
Carmine Lawrence Gentile	*13th Middlesex*	*5/19/2025*
Erika Uyterhoeven	*27th Middlesex*	*5/20/2025*
David M. Rogers	*24th Middlesex*	*5/20/2025*
Pavel M. Payano	*First Essex*	*5/27/2025*
John Francis Moran	*9th Suffolk*	*5/28/2025*
Jason M. Lewis	*Fifth Middlesex*	*5/29/2025*

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SENATE . . . . . No. 2522

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 2522) (subject to Joint Rule 12) of Cindy F. Friedman, Andrea Joy Campbell, Attorney General , Joanne M. Comerford, Julian Cyr and other members of the General Court for legislation to strengthen health care protections in the Commonwealth. Health Care Financing.

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:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting at the end of the twenty-sixth clause the following subsection:-

(w) the name, home address, personal email address, telephone number, and any other personal information of an individual engaged in the provision, facilitation, or promotion of reproductive health care services or gender-affirming health care services, as defined in section 11I½ of chapter 12.

SECTION 2. Section 11I ½ of chapter 12 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after subsection (f) the following subsections:-

(g) Notwithstanding any general or special law to the contrary and except as required by 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 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, as defined in section
18 11I½ of this chapter 12, if such services would be lawful as provided if they occurred entirely in
19 the commonwealth.

20 (h) Evidence relating to the involvement of an individual in one or more legally-protected
21 health care activity, as defined in section 11I ½ of this chapter, shall not be offered against such
22 individual as evidence that such party has engaged in any wrongdoing, whether civil, criminal,
23 professional, or otherwise by virtue individual who received of such services not being
24 physically present in the commonwealth when they received such services. Nothing in this
25 section shall prevent a party from offering such evidence in a proceeding that (i) sounds in tort or
26 contract; (ii) is actionable, in an equivalent or similar manner, under the laws of the
27 commonwealth; and (iii) was brought by the patient who received reproductive health care
28 services or gender-affirming health care services, or the patient's legal representative.

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

31 SECTION 3. Section 12 of chapter 12C of the General Laws, as appearing in the 2022
32 Official Edition, is hereby amended by inserting after subsection (b) the following subsection:-

33 (c) Except as required by federal law, the center shall not provide access to any data,
34 including de-identified data or any other data that would allow the identification of health
35 information of a patient or provider in response to an out-of-state or federal inquiry or
36 investigation into services constituting legally protected health care activity, as defined in section
37 11I½ of chapter 12.

38 SECTION 4. Section 10B of chapter 66 of the General Laws, as appearing in the 2022
39 Official Edition, is hereby amended by striking out, in line 20, the words "persons providing or
40 training in family planning services," and inserting in place thereof the following words:-
41 persons engaged in the provision, facilitation, or promotion of reproductive health care services
42 or gender-affirming health care services, as defined in section 11I½ of chapter 12,

43 SECTION 5. Section 75 of chapter 31 of the General Laws, as appearing in the 2022
44 Official Edition, as amended by chapter 238 of the acts of 2024, is hereby further amended by
45 adding the following paragraph:-

46 Nothing in this section shall be construed to permit civil service employees to furnish
47 information to, or cooperate with, law enforcement authorities in contravention of Section 11I½
48 of Chapter 12, Section 63 of Chapter 147.

49 SECTION 6. Chapter 93 of the General Laws is hereby amended by adding after section
50 114 the following section:-

51 Section 115. Out-of-state warrants or subpoenas for legally protected health care
52 information

53 (a) For the purposes of this section, the following terms shall have the following
54 meanings:

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

63 (2) “Electronic communication services” means any service which provides to users
64 thereof the ability to send or receive wire or electronic communications.

65 (3) “Prohibited violation” means any civil or criminal offense defined under the laws of
66 another state that creates civil or criminal liability for legally protected health care activity as
67 defined in section 11I ½ of chapter 12.

68 (b) A business entity that operates in Massachusetts and provides electronic
69 communication services or remote computing services to Massachusetts residents or business
70 entities organized under the laws of the commonwealth of Massachusetts may not:

71 (1) Comply with a subpoena, warrant, other civil or criminal legal process for records,
72 information, or assistance that the business entity knows relates to a Massachusetts resident,
73 Massachusetts health care provider, or Massachusetts business entity in connection with legally
74 protected health care activity, as defined in section 11I ½ of chapter 12, except as required by a

75 valid federal law, unless the subpoena, warrant, or other civil or criminal legal process includes,
76 or is accompanied by, an attestation, made under penalty of perjury, stating that the subpoena,
77 warrant, or other civil or criminal legal process does not seek documents, information, or
78 testimony relating to an investigation into, or the enforcement of, another state's law that asserts
79 criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in
80 the provision or receipt, or attempted assistance in the provision or receipt of legally- protected
81 health care activity that is lawful in the commonwealth of Massachusetts.

82 (2) Any false attestation submitted under this section is subject to a statutory penalty of
83 not more than $50,000 per violation. Submission of such attestation subjects the attester to the
84 jurisdiction of the courts of Massachusetts for any suit, penalty, or damages arising out of a false
85 attestation under this section.

86 (3) The attorney general may commence a civil action to compel any business entity that
87 operates in Massachusetts and that provides electronic communications services or remote
88 computing services to Massachusetts residents to comply with the provisions of this section.

89 SECTION 7. Section 21 of chapter 94C of the General Laws, as appearing in the 2022
90 Official Edition, is hereby amended by inserting after the first paragraph the following
91 paragraph:-

92 Except as required by federal law, the label for a controlled substance prescribed for
93 "reproductive health care services" or "gender-affirming health care services," as defined in
94 section 11I½ of chapter 12, shall, at the request of the provider, include the name of the
95 prescribing health care practice instead of the name of the practitioner.

96 SECTION 8. Section 22 of said chapter 94C, as so appearing, is hereby amended by
97 adding the following after subsection (c)the following subsection:-

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

102 SECTION 9. Section 24A of said chapter 94C, as so appearing, is hereby amended by
103 adding the following sentence at the end of subsection (a)(1):-

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

108 SECTION 10. Section 24A of said chapter 94C, as so appearing, is hereby further
109 amended by adding the following subsection:-

110 (n) Notwithstanding any general or special law to the contrary, except as required by
111 federal law, the department shall not provide disaggregated data or individually identifiable data
112 from the prescription drug monitoring program to a federal law enforcement agency or other
113 agency, or any other state or local law enforcement agency or other agency, or any private citizen
114 or entity or quasi-law enforcement agent in relation to an investigation or inquiry into
115 reproductive health care services or gender-affirming health care services, as defined in section
116 11I½ of chapter 12, if such services would be lawful as provided if they occurred entirely in the
117 commonwealth. This section shall not be construed to apply to prescription drugs for usages,

118 including off-label usages, that are unrelated to reproductive health care services or gender-
119 affirming health care services.

120 SECTION 11. Chapter 111 of the General Laws is hereby amended by adding after
121 section 51 the following section:-

122 Section 51¼. Emergency medical treatment

123 (a) For purposes of this section the following words shall have the following meaning,
124 unless the context clearly requires otherwise:-

125 "Emergency medical condition", a medical condition manifesting itself by acute
126 symptoms of sufficient severity such that the absence of immediate medical attention could
127 reasonably be expected to result in: (i) placing the health of the applicant in serious jeopardy; (ii)
128 serious impairment of bodily functions; or (iii) serious dysfunction of any bodily organ or part.
129 Such conditions include, but are not limited to, when a pregnant patient is experiencing ectopic
130 pregnancy, complications of pregnancy loss or abortion, risks to future fertility, preterm
131 premature rupture of membranes (PPROM), placental abruption or bleeding from placenta previa
132 or emergent hypertensive disorders, such as preeclampsia and eclampsia, and peripartum
133 cardiomyopathy.

134 "Stabilizing treatment", includes abortion when abortion is necessary to resolve the
135 applicant's injury or emergency medical condition.

136 (b) All acute-care hospitals licensed under section 51G of chapter 111, during all
137 operating hours of an emergency department or a satellite emergency facility as defined in
138 section 51½ of chapter 111, shall provide hospital emergency services to any applicant who

139 applies for the same in case of injury or an emergency medical condition. For purposes of this
140 section, “applicant” includes any person who presents at the hospital or who is brought to a
141 hospital by ambulance or specialized emergency medical services vehicle as defined in section 1
142 of chapter 111C. Hospitals shall furnish hospital emergency services including but not limited to,
143 medical screening by qualified medical personnel to reach with reasonable clinical confidence a
144 determination of whether an applicant has an emergency medical condition, and the provision of
145 necessary stabilizing treatment for applicants with an emergency medical condition. Hospitals
146 shall further establish and maintain policies and procedures for the provision of hospital
147 emergency services, including for an applicant’s refusal to consent, restricting transfers until the
148 applicant is stabilized, appropriate transfers of applicants, nondiscrimination, no delay in
149 examination or treatment, and whistleblower protections.

150 (c) The department shall have the authority to promulgate such regulations as may be
151 necessary to implement the provisions of this section.

152 (d) The attorney general may bring a civil action for injunctive or other equitable relief to
153 enforce the provisions of this section. In any action brought by the attorney general under this
154 section, the court may also award a civil penalty of not more than ten thousand dollars for each
155 violation.

156 SECTION 12. Said chapter 111 is hereby amended by adding after section 70H the
157 following section:-

158 Section 70I. Prohibiting disclosure of legally protected health care information

159 (a) For the purposes of this section, the term “business” shall mean:

160 (1) Any business organized for the purpose of maintaining medical information in order
161 to make an individual's medical information available to an individual or to a provider of health
162 care at the request of the individual or a provider of health care, for purposes of allowing the
163 individual to manage the individual's medical information, or for the diagnosis and treatment of
164 the individual; or

165 (2) Any business that offers medical recordkeeping, electronic health record, or electronic
166 medical record services, including, but not limited to software or hardware to consumers that
167 makes an individual's medical information available to an individual or a provider of health care
168 at the request of the individual or a provider of health care, for purposes of allowing the
169 individual to manage the individual's medical information, or for the diagnosis, treatment, or
170 management of a medical condition of the individual; or

171 (3) Any business that is licensed by the department of public health or the department of
172 mental health to provide medical, clinical, behavioral, or health services; or

173 (4) Any business that offers a digital service to a consumer for the purpose of allowing
174 the individual to manage the individual's reproductive or sexual health information, or for the
175 diagnosis, treatment, or management of a reproductive or sexual health medical condition of the
176 individual.

177 (b) A business, as described in subsection (a), that electronically stores or maintains
178 medical information related to the provision of abortion or abortion-related health care services,
179 miscarriage management, in vitro fertilization, and gender-affirming health care services,
180 including, but not limited to, on an electronic health record system or electronic medical record
181 system, on behalf of a provider of health care, health care insurance plan, pharmaceutical

182 company, contractor, or employer, shall develop capabilities, policies and procedures to enable,
183 and shall enable, all of the following:

184 (1) Limit user access privileges to information systems that contain medical information
185 related to abortion or abortion-related health care services, miscarriage management, in vitro
186 fertilization, and gender-affirming health care services only to those persons who are authorized
187 in writing by the patient to access specified medical information.

188 (2) Prevent the disclosure, access, transfer, transmission, or processing of medical
189 information related to abortion or abortion-related health care services, miscarriage management,
190 in vitro fertilization, or gender-affirming health care services to persons and entities outside of
191 this commonwealth, absent the express written consent of the patient, independent of any other
192 agreement, that specifically authorizes the disclosure, access, transfer, transmission, or
193 processing of medical information to the named persons or entities outside of this
194 commonwealth.

195 (3) Automatically disable access by individuals and entities outside this commonwealth
196 to segregated medical information related to abortion or abortion-related health care services,
197 miscarriage management, in vitro fertilization, or gender-affirming health care services, absent
198 the express written consent of the patient that specifically authorizes access by named persons or
199 entities outside of this commonwealth to such segregated medical information

200 (c) The department of public health shall have the authority to promulgate such
201 regulations for licensed providers and entities as may be necessary to implement the provisions
202 of this section.

203 (d) The department of public health shall promulgate a consent form that meets the
204 requirements of this section and require its use by all licensed health care providers in the
205 commonwealth.

206 (e) The attorney general may bring a civil action for injunctive or other equitable relief to
207 enforce the provisions of this section. In any action brought by the attorney general under this
208 section, the court may also award a civil penalty of not more than five thousand dollars for each
209 violation.

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

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

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

220 Section 12Q½. Collection of data on gender-affirming health care

221 The commissioner of public health shall not collect, maintain, or use individually
222 identifiable data on gender-affirming health care services provided in the commonwealth, as
223 defined in section 11I ½ of chapter 12, except as authorized by law, and shall not disclose, or

224 disseminate disaggregated data or individually identifiable surveillance data on gender-affirming
225 health care services, as defined in section 11I ½ of chapter 12, provided in the commonwealth.
226 The name, home address, personal email address, and telephone number of individuals engaged
227 in the provision, facilitation, or promotion of gender-affirming health care services, as defined in
228 section 11I½ of chapter 12, shall not be considered a public record under chapter 66 of the
229 general laws.

230 SECTION 15. Section 61 of said chapter 112, as so appearing, is hereby further amended
231 by adding the following paragraphs:-

232 Notwithstanding any general or special law to the contrary, no person shall be subject to
233 discipline by the boards, including the revocation, suspension or cancellation of the certificate of
234 registration or license or reprimand, censure or monetary fine, for providing or assisting in the
235 provision of reproductive health care services or gender-affirming health care services, as those
236 terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction
237 arising from such health care services if the services as provided would have been lawful and
238 consistent with the standard of conduct for the designated profession if they occurred entirely in
239 the commonwealth.

240 The boards shall not make available for public dissemination on an individual's profile
241 the record of any criminal conviction or charge for a felony or serious misdemeanor, final
242 disciplinary action by a licensing board in another state or a malpractice court judgment,
243 arbitration award or settlement that resulted from providing or assisting in the provision of
244 reproductive health care services or gender-affirming health care services or for any judgment,
245 discipline or other sanction arising from such health care services if the services as provided

246 would have been lawful and consistent with the scope and standards of practice for the
247 designated profession if they occurred entirely in the commonwealth.

248 The boards shall not take adverse action on an application for registration or licensure
249 based on a criminal or civil action or disciplinary action by a licensing board of another state or a
250 medical malpractice claim in another state arising from such health care services that, as
251 provided, would have been lawful and consistent with the standard of conduct for the designated
252 profession if they occurred entirely in the commonwealth.

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

256 (b) Notwithstanding any general or special law to the contrary and except as required by
257 federal law, no state or local law enforcement agency or officer or employee or any other person
258 acting on behalf of a state or local law enforcement agency of the commonwealth, while acting
259 under color of law, shall provide information or assistance to a federal law enforcement agency
260 or any other state's agency, including a law enforcement agency, or any private citizen or quasi-
261 law enforcement agent, or expend or use time, money, facilities, property, equipment, personnel,
262 or other resources in relation to an investigation or inquiry into services constituting legally-
263 protected health care activity, as defined in section 11I½ of chapter 12, if such services would be
264 lawful as provided if they occurred entirely in the commonwealth.

265 (c) The attorney general may bring a civil action for injunctive or other equitable relief to
266 enforce the provisions of this section.

267 SECTION 17. Chapter 175 of the General Laws is hereby amended by adding after
268 section 193U the following section:-

269 Section 193V. Discrimination on the basis of legally protected health care activity

270 No insurance company offering for sale any policy of insurance shall discriminate against
271 a nonprofit charitable organization, including those corporations qualified under 26 USC section
272 501(c)(3), or adjust or otherwise calculate such nonprofit charitable organization's risk
273 classification or premium charges in the provision of any form of liability insurance covering
274 negligence, wrongful acts, errors or omissions of the organization and its respective members,
275 directors and officers, on the basis that, applying the definitions of section 11I½ of chapter 12: (i)
276 the organization offers reproductive health care services or gender-affirming health care services;
277 (ii) the organization engages in legally-protected health care activity; or (iii) the organization is
278 or may be the subject of abusive litigation.

279 SECTION 18. Chapter 209B of the General Laws is hereby amended by adding after
280 section 14 the following section:-

281 Section 15. Other state bans on gender-affirming health care for minors

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

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

296 SECTION 19. Chapter 221 of the General Laws is hereby amended by adding after
297 section 40 the following section:-

298 Section 40A. Removal or discipline of attorneys representing individuals engaged in
299 reproductive or gender-affirming health care

300 Notwithstanding any general or special law or rule or regulation to the contrary, no
301 attorney licensed in the commonwealth may be removed or otherwise subject to discipline,
302 including the revocation, suspension or cancellation of the attorney's license or reprimand,
303 censure, or monetary fine, for advising or representing a client or prospective client related to the
304 provision of reproductive health care services or gender-affirming health care services, as
305 defined in section 11I ½ of chapter 12, if the sole reason for such removal or discipline is that: (i)
306 the client offered, provided, or received reproductive health care services or gender-affirming
307 health care services that are unlawful in another state, or (ii) another state's laws creates actual or
308 potential liability for the reproductive health care services or gender-affirming health care
309 services offered, provided, or received by the client, or (iii) the attorney is subject to actual or
310 potential liability, or removal or discipline, in another jurisdiction based on the reproductive

311 health care services or gender-affirming health care services offered, provided, or received by the
312 client, so long as the attorney's conduct otherwise complies with the laws of the commonwealth
313 and meets the standards set forth in the Rules of Professional Responsibility promulgated by the
314 Supreme Judicial Court.

315 SECTION 20. Subsection (b) of section 70I of chapter 111, as amended by section 10,
316 shall be implemented by businesses no later than July 1, 2026.