## The Commonwealth of Massachusetts

#### PRESENTED BY:

### Patricia A. Haddad and Jay D. Livingstone

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 removing obstacles and expanding access to women's reproductive health.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia A. Haddad	5th Bristol
Jay D. Livingstone	8th Suffolk
Mike Connolly	26th Middlesex
Michael J. Moran	18th Suffolk
Louis L. Kafka	8th Norfolk
David M. Rogers	24th Middlesex
Tami L. Gouveia	14th Middlesex
Maria Duaime Robinson	6th Middlesex
Jack Patrick Lewis	7th Middlesex
Natalie M. Higgins	4th Worcester
Lindsay N. Sabadosa	1st Hampshire
Kenneth I. Gordon	21st Middlesex
Smitty Pignatelli	4th Berkshire
Denise Provost	27th Middlesex
Aaron Vega	5th Hampden
Steven Ultrino	33rd Middlesex
David Paul Linsky	5th Middlesex
Dylan A. Fernandes	Barnstable, Dukes and Nantucket

James Arciero 2nd Middlesex Ruth B. Balser 12th Middlesex 34th Middlesex 34th Middlesex 34th Middlesex 35th Middlesex 35th Middlesex 35th Middlesex 37th Middlesex 37th Middlesex 37th Middlesex 37th Middlesex 35th Mid	Jason M. Lewis	Fifth Middlesex
Christine P. Barber John Barrett, III Ist Berkshire Michael J. Barrett Third Middlesex Jennifer E. Benson Natalie M. Blais Joseph A. Boncore First Suffolk and Middlesex Paul Brodeur 32nd Middlesex Antonio F. D. Cabral Joniel Cahill Joth Essex Peter Capano Ith Essex Daniel R. Carey Qand Hampshire Gerard J. Cassidy Harriette L. Chandler First Worcester Michelle L. Ciccolo Ish Middlesex Julian Cyr Cape and Islands Michael S. Day Marjorie C. Decker Sal N. DiDomenico Middlesex Milliam J. Driscoll, Jr. Michael M. Dubois Caroly N. Capean Bild M. Donahue Lori A. Ehrlich Bild Seex Middlesex Middlesex Antonio F. D. Cabral John Norfolk Michael S. Day Middlesex Middlese	James Arciero	2nd Middlesex
John Barrett, III  Michael J. Barrett  Michael J. Barrett  Third Middlesex  Jennifer E. Benson  37th Middlesex  Natalie M. Blais  Joseph A. Boncore  First Suffolk and Middlesex  Paul Brodeur  Antonio F. D. Cabral  Daniel Cahill  Peter Capano  11th Essex  Peter Capano  11th Essex  Peter Capano  11th Essex  Daniel R. Carey  2nd Hampshire  Gerard J. Cassidy  9th Plymouth  Harriette L. Chandler  First Worcester  Michelle L. Ciccolo  15th Middlesex  Claire D. Cronin  11th Plymouth  Daniel R. Cullinane  12th Suffolk  Julian Cyr  Cape and Islands  Michael S. Day  31st Middlesex  Marjorie C. Decker  25th Middlesex  Marjorie C. Decker  25th Middlesex  Michael S. Day  31st Middlesex  Michael M. DiDomenico  Middlesex and Suffolk  Mindy Domb  3rd Hampshire  Daniel M. Donahue  16th Worcester  William J. Driscoll, Jr.  Michelle M. DuBois  10th Plymouth  Carolyn C. Dykema  8th Middlesex  Lori A. Ehrlich  8th Essex  James B. Eldridge  Middlesex and Worcester  Nika C. Elugardo  15th Suffolk  Ann-Margaret Ferrante  5th Essex  Carole A. Fiola  5ean Garballey  23rd Middlesex  Carlick  13th Norfolk  Carmine Lawrence Gentile  13th Middlesex  Carlos González  10th Hampden  Danielle W. Gregoire	Ruth B. Balser	12th Middlesex
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Danielle W. Gregoire 4th Middlesex	Carmine Lawrence Gentile	13th Middlesex
	Carlos González	10th Hampden
Richard M. Haggerty 30th Middlesex	Danielle W. Gregoire	4th Middlesex
	Richard M. Haggerty	30th Middlesex

James K. Hawkins	2nd Bristol
Stephan Hay	3rd Worcester
Jonathan Hecht	29th Middlesex
Christopher Hendricks	11th Bristol
Kate Hogan	3rd Middlesex
Kevin G. Honan	17th Suffolk
Daniel J. Hunt	13th Suffolk
Patricia D. Jehlen	Second Middlesex
Mary S. Keefe	15th Worcester
James M. Kelcourse	1st Essex
Kay Khan	11th Middlesex
John J. Lawn, Jr.	10th Middlesex
David Henry Argosky LeBoeuf	17th Worcester
Joan B. Lovely	Second Essex
Adrian C. Madaro	1st Suffolk
John J. Mahoney	13th Worcester
Elizabeth A. Malia	11th Suffolk
Paul W. Mark	2nd Berkshire
Joseph W. McGonagle, Jr.	28th Middlesex
Joan Meschino	3rd Plymouth
Aaron Michlewitz	3rd Suffolk
Christina A. Minicucci	14th Essex
Liz Miranda	5th Suffolk
Rady Mom	18th Middlesex
Michael O. Moore	Second Worcester
Frank A. Moran	17th Essex
Brian W. Murray	10th Worcester
Harold P. Naughton, Jr.	12th Worcester
Tram T. Nguyen	18th Essex
James J. O'Day	14th Worcester
Marc R. Pacheco	First Plymouth and Bristol
Sarah K. Peake	4th Barnstable
Alice Hanlon Peisch	14th Norfolk
Rebecca L. Rausch	Norfolk, Bristol and Middlesex
Daniel J. Ryan	2nd Suffolk
Jon Santiago	9th Suffolk
Paul A. Schmid, III	8th Bristol
Thomas M. Stanley	9th Middlesex
William M. Straus	10th Bristol

José F. Tosado	9th Hampden
Paul F. Tucker	7th Essex
Chynah Tyler	7th Suffolk
Andres X. Vargas	3rd Essex
Tommy Vitolo	15th Norfolk
Donald H. Wong	9th Essex

# **HOUSE . . . . . . . . . . . . . . . . No. 3320**

By Representatives Haddad of Somerset and Livingstone of Boston, a petition (accompanied by bill, House, No. 3320) of Patricia A. Haddad, Jay D. Livingstone and others relative to abortion and removing obstacles and expanding access to women's reproductive health. The Judiciary.

## The Commonwealth of Alassachusetts

In the One Hundred and Ninety-First General Court (2019-2020)

An Act removing obstacles and expanding access to women's reproductive health.

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. Chapter 112 of the General Laws is hereby amended by striking out section
- 2 12K, as appearing in the 2016 Official Edition, and inserting in place thereof the following
- 3 section:
- 4 Section 12K. As used in section twelve L to section twelve U, inclusive, the following
- 5 words shall have the following meanings:
- Abortion, any medical treatment intended to induce the termination of a clinically
- 7 diagnosable pregnancy except for the purpose of producing a live birth. The term abortion does
- 8 not include miscarriage management.
- 9 Hospital, a hospital as defined in section fifty-two of chapter one hundred and eleven of
- the General Laws, and duly licensed

under the provisions of section fifty-one of chapter one hundred and eleven of the
General Laws.

Physician, an individual lawfully authorized to practice medicine within the Commonwealth.

Pregnancy, means the presence of an implanted human embryo or fetus within a person's uterus.

SECTION 2. Said Chapter 112 of the General Laws is hereby further amended by striking out Sections 12L through 12U, inclusive, as so appearing, and inserting in place thereof the following sections:

Section 12L. The Commonwealth shall not interfere with a person's personal decision and ability to prevent, commence, terminate, or continue their own pregnancy consistent with this chapter. The Commonwealth shall not restrict the use of medically appropriate methods of abortion or the manner in which medically appropriate abortion is provided.

Section 12M. A physician, acting within their lawful scope of practice, may perform an abortion when, according to the physician's best medical judgment, the patient is within twenty-four weeks from the commencement of pregnancy, as defined in section 12K of this chapter. A physician, acting within their lawful scope of practice, may perform an abortion when, according to the physician's best medical judgment based on the facts of the patient's case, the patient is beyond twenty-four weeks from the commencement of pregnancy and the abortion is necessary to protect the patient's life or physical or mental health, in cases of lethal fetal anomalies, or where the fetus is incompatible with sustained life outside the uterus.

32 Medical judgment may be exercised in the light of all factors—physical, emotional,

- psychological, familial, and the person's age—relevant to the well-being of the patient.
  - 12N. Prior to performing an abortion, a physician shall obtain the pregnant patient's written informed consent on a form prescribed by the Commissioner of Public Health. A pregnant person seeking an abortion shall sign the consent form before the abortion is performed, except in an emergency requiring immediate action. The consent form and any other forms shall be confidential and may not be released to any person other than to the pregnant person to whom such documents relate or the operating physician, except by the pregnant patient's written consent; provided, however, that this requirement shall not impose any waiting period between the signing of the consent form and the performance of the abortion.
  - 12O. The department of public health shall have the authority to require aggregate reports regarding induced termination of pregnancy pursuant to sections twenty-four A and twenty-five A of chapter one hundred and eleven.
- SECTION 3. Section 12F of Chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in line XXX, the words "abortion or".
  - SECTION 4. Section 10E of Chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in lines XX, clause (i) and inserting in place thereof the following clause:-
  - (i) all medically necessary care relative to pregnancy, including but not limited to abortion, care to maintain health during the course of the pregnancy and delivery, and newborn hospital care;