

**HOUSE . . . . . No. 1785**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jeffrey Rosario Turco***

*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 relative to Down syndrome.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>1/18/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/18/2023</i>

# HOUSE . . . . . No. 1785

By Representative Turco of Winthrop, a petition (accompanied by bill, House, No. 1785) of Jeffrey Rosario Turco and Joseph D. McKenna relative to prohibiting abortions because of the diagnosis of Down syndrome in unborn children. The Judiciary.

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

An Act relative to Down syndrome.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The General Laws are hereby amended by inserting after chapter 112, the following  
2 chapter 112A:

3 CHAPTER 112A.

4 DOWN SYNDROME ACT.

5 Section 1. This chapter shall be known and may be cited as the “Down Syndrome Act.”

6 Section 2. As used in this section, the following words shall have the following meanings  
7 unless the context clearly requires otherwise:

8 “Abortion” means the purposeful termination of a human pregnancy by any person with  
9 an intention other than to produce a live birth or to remove a dead unborn child or embryo.

10           “Down syndrome” means a chromosomal disorder associated with either an extra  
11 chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-  
12 one.

13           “Unborn child” means the developing human child in utero from conception to birth.

14           Section 3. (a) No person shall purposefully perform or induce or attempt to induce an  
15 abortion on a pregnant female, if the person has knowledge that the pregnant female is seeking  
16 the abortion, in whole or in part, because of any of the following: a test result indicating Down  
17 syndrome in an unborn child; a prenatal diagnosis of Down syndrome in an unborn child; or any  
18 other reason to believe that an unborn child has Down syndrome.

19           (b) Any physician, physician assistant, certified nurse practitioner, certified nurse  
20 midwife or other individual whether or not licensed by the Board of Registration in Medicine,  
21 the Board of Registration in Nursing, the Board of Registration of Physician Assistants, or  
22 otherwise authorized by law to practice medicine within the Commonwealth of Massachusetts,  
23 who violates section 3(a), is guilty of performing or attempting to perform an abortion that was  
24 being sought because of Down syndrome, a crime punishable by imprisonment in the state prison  
25 for not more than 15 years or by imprisonment in a jail or house of correction for not more than 2  
26 years and 6 months or by a fine of not more than \$15,000, or by both such fine and  
27 imprisonment.

28           (c) The Board of Registration in Medicine, the Board of Registration in Nursing, and the  
29 Board of Registration of Physician Assistants shall revoke the medical license to practice  
30 medicine or nursing in this commonwealth of the physician, physician assistant, certified nurse

31 practitioner, certified nurse midwife or other medically licensed individual who violates section  
32 3(a).

33 (d) Any physician, physician assistant, certified nurse practitioner, certified nurse  
34 midwife, or other individual who violates section 3(a) is liable in a civil action for compensatory  
35 and exemplary damages and reasonable attorney's fees to any person, or the representative of the  
36 estate of any person, who sustains injury, death, or loss to person or property as the result of the  
37 performance or inducement or the attempted performance or inducement of the abortion. In any  
38 action under this section, the court may also award any injunctive or other equitable relief that  
39 the court considers appropriate.

40 (e) A pregnant female on whom an abortion is performed or induced or attempted to be  
41 performed or induced in violation of section 3(a) is not guilty of violating section 3(a) or of  
42 attempting to commit, conspiring to commit, or complicity in committing a violation of section  
43 3(a).

44 (f) If any provision in this chapter is held to be invalid, or if the application of any  
45 provision in this chapter to any person or circumstance is held to be invalid, the invalidity of that  
46 provision does not affect any other provisions or the application of this chapter.