

HOUSE No. 2181

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 protecting the health of the mother and a born alive fetus after the second trimester.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/18/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/26/2023</i>

HOUSE No. 2181

By Representative Garry of Dracut, a petition (accompanied by bill, House, No. 2181) of Colleen M. Garry and Kelly W. Pease relative to the health of mothers and born alive fetuses after the second trimester. Public Health.

The Commonwealth of Massachusetts

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

An Act protecting the health of the mother and a born alive fetus after the second trimester.

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

1 SECTION 1. Section 12N of Chapter 112 of the General Laws, as so appearing in the
2 2020 Official Edition, is hereby amended by striking out section 12N, as amended by section
3 12N of chapter 263 of the Acts of 2020, and inserting in place thereof the following section:-

4 Section 12N. Protecting women’s health

5 Notwithstanding section 12L, for the purpose of preventing maternal death from abortion
6 or miscarriage as pregnancy progresses, no physician may perform or induce, or attempt to
7 perform or induce an abortion or cause a miscarriage on any female in a stage of pregnancy after
8 the second trimester unless the following conditions are met: (a) the procedure is performed in a
9 hospital and (b) the physician and two consulting physicians certify, and so enter in the hospital
10 record of the female, that in their medical opinion, based upon their best clinical judgment, the
11 continuation of the pregnancy is likely to result in the death of the female. Nothing in this section

12 shall prevent the medically necessary procedures to care for the mother after a miscarriage
13 occurring before 20 weeks or a stillbirth or fetal death occurring after 20 weeks.

14 SECTION 2. Section 12O of Chapter 112 of the General Laws, as so appearing in the
15 2020 Official Edition, is hereby amended by striking out section 12O, as amended by section
16 12O of chapter 263 of the Acts of 2020, and inserting in place thereof the following section:-

17 Section 12O. Preserving the life of a fetus born alive after miscarriage or abortion

18 Notwithstanding section 12L, if an abortion is performed or an intentional miscarriage is
19 caused pursuant to section 12N, the hospital where the procedure is performed shall provide all
20 life-saving measures and equipment, as defined by the department of public health, and the
21 physician performing the abortion or causing the miscarriage shall employ all the life-saving
22 measures and equipment to preserve the life and health of the fetus born alive if it exhibits any
23 clearly visible, audible, or otherwise discernable evidence of viability.