

HOUSE No. 00629

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

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 passage of the accompanying bill:

An Act relative to consent and counseling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>

<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Jay Kaufman</i>	<i>15th Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>

HOUSE No. 00629

By Ms. Ellen Story of Amherst, petition (accompanied by bill, House, No. 00629) of Sarah K. Peake and others relative to consent and counseling of pregnant women under sixteen years of age. Joint Committee on Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to consent and counseling.

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 second paragraph of section 12S of chapter 112 of the General Laws is hereby amended by
2 striking out the second, third, fourth, fifth, sixth, seventh, and eighth sentences and inserting in
3 place thereof the following:-

4 If a pregnant woman is less than sixteen years of age and has not married, no physician may
5 perform an abortion upon her unless the attending physician has received and made part of the
6 medical record the written consent of the pregnant woman and:

7 (1) the written consent of a parent, a legal guardian, a foster parent, or an adult family
8 member twenty-five years of age or older; or

9 (2) the authorization of a judge of the superior court department of the trial court; or

10 (3) the written certification by an authorized individual that he has counseled the pregnant
11 woman regarding alternative choices available to manage the pregnancy and the option of
12 involving the woman's parents, guardians, or other adult family members in her decision-making.

13 An authorized individual shall be either a medical professional registered under section two, nine
14 F, seventy-four, or seventy-four A of this chapter, or a mental health professional licensed under
15 section one hundred nineteen or one hundred thirty-one of this chapter. The commissioner of
16 public health shall prescribe a form for the authorized individual to use in certifying that he has
17 provided counseling in accordance with this section. A family member shall be one of the
18 pregnant woman's grandparents or their lineal descendants, including those by adoption, and
19 spouses of any such persons.

20 If a pregnant woman less than sixteen years of age has not married and she elects to seek the
21 authorization of a judge of the superior court department of the trial court, the judge shall, upon
22 petition or motion, and after an appropriate hearing, authorize a physician to perform the
23 abortion if said judge determines that the pregnant woman is mature and capable of giving
24 informed consent to the proposed abortion or, if said judge determines that she is not mature, that
25 the performance of an abortion upon her would be in her best interests. A pregnant woman less
26 than sixteen years of age may participate in proceedings in the superior court department of the
27 trial court on her own behalf, and the court may appoint a guardian ad litem for her.