HOUSE DOCKET, NO. FILED ON: 1/16/2009

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

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The Commonwealth of Massachusetts

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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 for certain minors.

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PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Ellen Story | 3rd Hampshire |
| Bill Bowles | 2nd Bristol |
| William N. Brownsberger | 24th Middlesex |
| Christine E. Canavan | 10th Plymouth |
| Denis E. Guyer | 2nd Berkshire |
| John D. Keenan | 7th Essex |
| Peter v. Kocot | 1st Hampshire |
| Stephen Kulik | 1st Franklin |
| Denise Provost | 27th Middlesex |
| Pam Richardson | 6th Middlesex |
| Byron Rushing | 9th Suffolk |
| Tom Sannicandro | 7th Middlesex |
| Frank I. Smizik | 15th Norfolk |
| Cleon H. Turner | 1st Barnstable |
| Alice K. Wolf | 25th Middlesex |
| Rosemary Sandlin | 3rd Hampden |
| Matthew C. Patrick | 3rd Barnstable |
| Katherine Clark | 32nd Middlesex |
| Elizabeth A. Malia | 11th Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1735 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to consent and counseling for certain minors.

*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. The second paragraph of section 12S of 112 of the General Laws is hereby amended by striking out the second, third, fourth, fifth, sixth, and, seventh sentences and inserting in place thereof the following paragraph:—

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

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

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

         (3) the pregnant woman has received counseling that includes a discussion of the alternative choices available to manage the pregnancy and the possibility of involving the woman's parents, guardians, or other adult family member in her decision making, and has secured written verification of receiving such counseling from:

            (a) a psychologist licensed under the provisions of section one hundred nineteen;

            (b) a social worker licensed under the provisions of section one hundred thirty one;

            (c) a physician's assistant registered under the provisions of section nine F;

            (d) a certified guidance counselor, as defined by section thirty-eight G of chapter seventy-one;

            (e) a physician or psychiatrist registered under the provisions of section two;

            (f) a registered professional nurse licensed under the provisions of section seventy-four;

            (g) a practical nurse registered under the provisions of section seventy-four A;

            (h) an ordained clergy member;

            (i) a teacher certified under the provisions of section thirty-eight G of chapter seventy-one; or

            (j) a professional with a master's degree in counseling or education.

      The commissioner of public health shall prescribe a form to verify. Such counseling has occurred and has included a discussion of the alternative choices available to manage the pregnancy and the possibility of involving the woman's parent, guardian, or other adult family member in her decision making.

            If a pregnant woman less than eighteen years of age has not married and she elects to seek the authorization of a judge of the superior court department of the trial court, the judge shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if said judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion or, if said judge determines that she is not mature, that the performance of an abortion upon her would be in her best interests.