

HOUSE No.

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 for certain minors.

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:

1 SECTION 1. The second paragraph of section 12S of 112 of the General Laws is hereby amended
2 by striking out the second, third, fourth, fifth, sixth, and, seventh sentences and inserting in place thereof
3 the following paragraph:—

4 If a pregnant woman is less than eighteen years of age and has not married, no physician
5 may perform an abortion upon her unless the attending physician has received and made part of
6 the 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 member
8 twenty-one 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 pregnant woman has received counseling that includes a discussion of the alternative choices
11 available to manage the pregnancy and the possibility of involving the woman's parents, guardians, or

12 other adult family member in her decision making, and has secured written verification of receiving such
13 counseling from:

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

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

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

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

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

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

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

21 (h) an ordained clergy member;

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

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

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

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