

SENATE NO. 831

AN ACT RELATIVE TO PUBLIC HEALTH

*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 Legislature finds that it is the public policy of the commonwealth to provide its
2 citizens with laws that protect the public health and are constitutional and enforceable under the
3 Massachusetts Declaration of Rights.
4 The Legislature finds that a near-total ban on abortion, enacted in 1845, and other currently
5 unenforceable restrictions on a woman's right to access to reproductive health care are
6 unconstitutional under the Massachusetts Declaration of Rights. The Legislature further finds that
7 these laws, if enforced, would pose a great threat to the public health.
8 The Legislature finds that the Massachusetts Declaration of Rights protects the right to reproductive
9 choice as a fundamental right and to a greater extent than the federal Constitution. The Legislature
10 finds that the commonwealth has a proud history of enacting laws and policies that protect women's
11 health and allow for the protection of individual rights enumerated in the Massachusetts Declaration of

12 Rights. Existing laws of the commonwealth that do not comport with the Declaration of Rights and
13 that do not serve the public interest must be repealed.

14 SECTION 2. Section 12Q of chapter 112 of the General Laws, as appearing in the 2004 Official
15 Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the
16 following paragraph: -

17 Except in an emergency requiring immediate action, no abortion may be performed under section 12L
18 or 12M unless the written consent of the proper person has been delivered to the physician performing
19 the abortion as set forth in section 12S.

20 SECTION 3. Section 19 of chapter 272 of the General Laws is hereby repealed.

21 SECTION 4. Section 20 of said chapter 272 is hereby repealed.

22 SECTION 5. Section 21 of said chapter 272 is hereby repealed.

23 SECTION 6. Section 21A of chapter 272 of the General Laws, as appearing in the 2004 Official
24 Edition, is hereby amended by striking out in lines 2, 5, and 8 the word “married”.

