ATTACHMENT C

December 11, 2020

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 40 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 40 affirmatively establishes in Massachusetts law a woman’s right to access an abortion. It also ensures that a woman can access an abortion in cases where the child will not survive after birth. These are important changes to protect a women’s reproductive rights and autonomy in the Commonwealth, and I support them. However, I cannot support the other ways that this section expands the availability of late-term abortions and permits minors age 16 and 17 to get an abortion without the consent of a parent or guardian.

For these reasons, I recommend that Section 40 be amended by striking out, in lines 734 to 735, the words “if it is necessary, in the best medical judgment of the physician, to preserve” and inserting in place thereof the following words:- or if a continuation of the pregnancy will impose, in the best medical judgment of the physician, a substantial risk to.

And by striking out in said Section 40, in line 736, the word “or the fetus” and inserting in place thereof the following word:- that

And by striking out in said Section 40, in lines 773, 778, and 786, the figure “16” each time it appears and inserting in place thereof the following figure:- 18.

And by striking out in said Section 40, in lines 801 to 803, inclusive, the following sentence:- Notwithstanding section 12F, a patient may provide consent and consent shall be granted under subparagraphs (ii) to (vi), inclusive, of said section 12F for abortion if the minor is not less than 16 years of age.

And by further amending said Section 40 by adding at the end thereof the following :-

Section 12S. Any person who commits an act in violation of section 12N shall be subject to immediate revocation of the person’s professional license by the appropriate licensing board and a penalty of up to $15,000 for each violation.

Section 12T. Any person who violates section 12O shall be punished by a fine of not less than $500 nor more than $2,000. Any person who willfully violates the provisions of section 12P shall be punished by a fine of not less $100 nor more than $2,000.

Respectfully submitted,

Charles D. Baker

Governor