



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

By Her Excellency
MAURA T. HEALEY
GOVERNOR

EXECUTIVE ORDER NO. 609

PROTECTING ACCESS TO MEDICATION ABORTION SERVICES IN THE COMMONWEALTH

WHEREAS, the Healey-Driscoll Administration prioritizes reproductive freedom and access to reproductive health care services, including medication abortion, for Massachusetts residents;

WHEREAS, the Constitution of the Commonwealth has long provided a guarantee of reproductive rights independent of and more expansive than any protection provided by the United States Constitution, and the General Laws have long ensured that access to reproductive health care services, including access to medication abortion, remains readily available in the Commonwealth;

WHEREAS, the Commonwealth has been a leader in implementing measures to protect reproductive rights and to provide for continued access to reproductive health care services, including Chapter 127 of the Acts of 2022, known as Massachusetts's 2022 Shield Law, even while other States have adopted laws that drastically limit or prohibit access to such services, which together may lead more individuals to seek reproductive health care services from Massachusetts health care providers;

WHEREAS, health care professionals providing and persons seeking and obtaining reproductive health services in the Commonwealth should be protected from legal liability and professional sanctions when those services are lawful in the Commonwealth and meet Commonwealth standards for good professional practice;

WHEREAS, research has shown that mifepristone and misoprostol are safe and effective medicines for use in abortion care and the medical management of miscarriages;

WHEREAS, medication abortion has been safely and effectively used by over 3 million Americans since its approval by the FDA in 2000;

WHEREAS, clinical evidence compiled over 23 years of approved use has shown that the mifepristone and misoprostol drug combination is exceedingly safe and effective with an average success rate of over 95% and a safety record of over 99%, making the two-drug regimen safer and more effective than some of the most commonly prescribed drugs and commonly used over-the-counter medications;

WHEREAS, misoprostol can be used on its own when mifepristone is not available, and some research has shown that it is slightly less effective than the two-drug regimen and other research has shown that it is nearly or equally as safe and effective as the two-drug regimen;

WHEREAS, major medical and public health societies, including the American Medical Association, the American College of Obstetricians and Gynecologists, the Society for Maternal-Fetal Medicine, the American Academy of Family Physicians, the Society of Family Planning, and the American Society for Reproductive Medicine, among others, have uniformly recognized that continued access to medication abortion is an essential component of evidence-based and medically sound abortion care;

WHEREAS, the World Health Organization considers medication abortion to be “essential medicines” and recommends both the mifepristone-misoprostol drug-regimen and the misoprostol-only regimen for safe and effective abortion care;

WHEREAS, the United States Food and Drug Administration approved mifepristone more than 20 years ago based on a thorough and comprehensive review of the scientific evidence presented because it is safe and effective for its indicated use, and it continues to be safe and effective for its indicated use; and

WHEREAS, some states have banned or severely restricted access to medication abortion, and the district court in *Alliance for Hippocratic Medicine v. FDA* has announced its intent to enjoin the FDA’s approval of mifepristone;

NOW, THEREFORE, I, Maura Healey, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. Definition of “Reproductive health care services” in the 2022 Shield Law. All executive department offices and agencies shall construe the term “reproductive health care

services,” as it appears in Chapter 127 of the Acts of 2022, and this Order to include medication abortion and medical management of miscarriage, including but not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol.

Section 2. Definition of “lawful and consistent with good medical practice” in the 2022 Shield Law. All executive department offices and agencies shall construe the term “lawful and consistent with good medical practice,” as it appears in Chapter 127 of the Acts of 2022, and this Order to include medication abortion and medical management of miscarriage, including but not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol.

Section 3. Definition of “Legally-protected health care activity” in the 2022 Shield Law. All executive department offices and agencies shall construe the term “legally-protected health care activity,” as it appears in Chapter 127 of the Acts of 2022, and this Order to include medication abortion and medical management of miscarriage, including but not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol.

Section 4. Department of Public Health Guidance. To implement this Order, the Commissioner of Public Health shall issue all necessary guidance concerning access to medication abortion, including but not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol, in the Commonwealth. The Commissioner shall report to the Governor and Lieutenant Governor on all measures implemented within 45 days of this Order.

Section 5. Division of Insurance Guidance. To implement this Order, the Division of Insurance shall issue all necessary guidance or bulletins to insurers concerning reproductive health care services, including but not limited to medical malpractice insurers concerning discrimination against providers or adjusting or calculating a provider’s risk classification or premium charges relating to the provider’s offer of reproductive health care services in the Commonwealth. The Division shall report to the Governor and Lieutenant Governor on all measures implemented within 45 days of this Order.

Section 6. Protection of Health Care and Other Professionals Licensed in the Commonwealth. The Commissioner of Public Health is directed to work with the boards of professional licensure operating under their respective supervision to implement policies that will ensure that no person shall be disqualified from licensure or subject to discipline by a Commonwealth board of professional licensure for providing or assisting in the provision of reproductive health care services, including medication abortion, so long as the services as provided would have been lawful and consistent with standards for good professional practice in the Commonwealth. The Commissioner shall report to the Governor and Lieutenant Governor on all measures implemented by the boards under their supervision within 45 days of this Order.

Section 7. Public Institution of Higher Education Medication Abortion Readiness Plans. The Commissioner of Public Health shall issue guidance to and cooperate with public

institutions of higher education to develop and implement medication abortion readiness plans as required by Chapter 127 of the Acts of 2022 that include but are not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol. The Commissioner shall report to the Governor and Lieutenant Governor on all measures implemented within 45 days of this Order.

Section 8. This Executive Order shall take effect upon execution and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston
this 10th day of April in the year of our Lord
two thousand and twenty-three, and of the
independence of the United States of
America two hundred and forty-six.


MAURA T. HEALEY
Governor
Commonwealth of Massachusetts



WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS