

By Mr. Greenberg of Pittsfield, petition of Joel S. Greenberg for legislation to modify the abortion law of the Commonwealth. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT MODIFYING THE ABORTION LAW.

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. Chapter 111 of the General Laws is hereby
2 amended by adding after section 67E the following new
3 section:—

4 *Section 67F.* The following words used in this section shall,
5 unless a different meaning is required by the context, have
6 the following meanings:—

7 (a) "Pregnancy" means the implantation of an embryo in
8 the uterus.

9 (b) "Accredited hospital" means one licensed by the de-
10 partment of public health.

11 (c) "Justified medical termination" means the intentional
12 ending of the pregnancy of a woman at the request of said
13 woman or if said woman is under the age of eighteen years,
14 then at the request of said woman and her then living parent
15 or guardian, or if the woman is married and living with her
16 husband at the request of said woman and her husband, by a
17 licensed physician using accepted medical procedures in a
18 fully accredited hospital upon written certification by all of
19 the members of a special hospital board that:

20 (i) Continuation of the pregnancy, in their opinion, is
21 likely to result in: the death of the woman; or the serious
22 permanent impairment of the physical health of the woman;
23 or the serious permanent impairment of the mental health of

24 the woman as confirmed in writing under the signature of a
25 licensed doctor of medicine specializing in psychiatry; or the
26 birth of a child with grave and permanent physical deformity
27 or mental retardation; or

28 (ii) Less than sixteen weeks of gestation have passed and
29 that pregnancy resulted from rape, as defined in section
30 thirty-nine of chapter two hundred and seventy-seven, or
31 incest, as defined in section seventeen of chapter two hundred
32 and seventy-two, and that the district attorney of the judicial
33 district in which the alleged rape or incest has occurred has
34 informed the committee in writing under his signature, that
35 there is probable cause to believe that the alleged violation
36 did occur.

37 (d) "Special hospital board" means a committee of three
38 licensed physicians who are members of the staff of the
39 hospital where the proposed termination would be performed
40 if certified in accordance with this act and who meet regularly
41 or on call for the purpose of determining the question of
42 medical justification in each individual case, and which
43 maintains a written record, signed by each member, of the
44 proceedings and deliberations of such board.

1 SECTION 2. Chapter 272 of the General Laws is hereby
2 amended by striking out section 19, as appearing in the
3 Tercentenary Edition, and inserting in place thereof the
4 following three sections:—

5 *Section 19. (a)* Any person who intentionally ends or
6 causes to be ended the pregnancy of a woman by any means
7 other than justified medical termination of the pregnancy or
8 live birth shall be punished by imprisonment in the state
9 prison for not more than seven years and by a fine of not
10 more than two thousand dollars.

11 (b) If any woman shall die as the result of the intentional
12 ending of her pregnancy by any means other than by justified
13 medical termination of the pregnancy or live birth, the person
14 responsible shall be punished by imprisonment in the state
15 prison for not less than five nor more than twenty years.

16 *Section 19A. (a)* Any person who intentionally pretends to
17 end the real or apparent pregnancy of a woman by any means
18 other than by justified medical termination of the pregnancy

19 or live birth shall be punished by imprisonment in the state
20 prison for not less than one year nor more than three years
21 and by a fine in a sum not exceeding one thousand dollars.

22 (b) If any woman shall die as the result of the intentional
23 pretended ending of her real or apparent pregnancy by any
24 means other than by justified medical termination of the
25 pregnancy or live birth, the person so pretending to end the
26 real or apparent pregnancy shall be punished by imprison-
27 ment in the state prison for not less than five nor more than
28 twenty years.

29 *Section 19B.* Nothing herein shall require a hospital to
30 admit any patient under the provisions of this act for the
31 purposes of performing an abortion, nor shall any hospital be
32 required to appoint a special hospital board as defined in this
33 act. A person who is a member of or associated with the staff
34 of a hospital or any employee of a hospital in which a
35 justified medical termination has been authorized and who
36 shall state in writing an objection to such termination on
37 moral or religious grounds shall not be required to participate
38 in the medical procedures which will result in the termination
39 of a pregnancy and the refusal of any such person to
40 participate shall not form the basis for any disciplinary or
41 other recriminatory action against such person.

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