

By Mr. Demakis of Boston, petition of Paul C. Demakis, Susan C. Fargo, J. James Marzilli, Jr. and Kay Kahn relative to consent and counseling for certain pregnant minors. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

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

5 If a pregnant woman is less than eighteen years of age and has
6 not married, no physician may perform an abortion upon her
7 unless the attending physician has received and made part of the
8 medical record the written consent of the pregnant woman and:

9 (1) the written consent of a parent, a legal guardian, a foster
10 parent, or an adult family member twenty-one years of age or
11 older; or

12 (2) the authorization of a judge of the superior court department
13 of the trial court; or

14 (3) the pregnant woman has received counseling that includes a
15 discussion of the alternative choices available to manage the preg-
16 nancy and the possibility of involving the woman's parents,
17 guardians, or other adult family member in her decision making,
18 and has secured written verification of receiving such counseling
19 from:

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

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

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

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

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

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

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

34 (h) an ordained clergy member;

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

37 (j) a professional with a master's degree in counseling or edu-
38 cation.

39 The commissioner of public health shall prescribe a form to
40 verify. Such counseling has occurred and has included a discus-
41 sion of the alternative choices available to manage the pregnancy
42 and the possibility of involving the woman's parent, guardian, or
43 other adult family member in her decision making. If a pregnant
44 woman less than eighteen years of age has not married and she
45 elects to seek the authorization of a judge of the superior court
46 department of the trial court, the judge shall, upon petition or
47 motion, and after an appropriate hearing, authorize a physician to
48 perform the abortion if said judge determines that the pregnant
49 woman is mature and capable of giving informed consent to the
50 proposed abortion or, if said judge determines that she is not
51 mature, that the performance of an abortion upon her would be in
52 her best interests.