

Article from the New BostonPost

Abortions Easier To Get After 24 Weeks and For Minors If New Massachusetts Bill Passes

By [Matt McDonald](#) | February 4, 2019, 21:56 EST



Abortions after 24 weeks would be less impeded in Massachusetts and girls under 18 wouldn't have to ask their parents or a judge for permission to get one under a new bill state legislators are considering.

The bill would also expand eligibility to have state funds pay for an abortion, potentially covering women who aren't poor enough to qualify for MassHealth but who don't have private health insurance that includes abortion.

The bill, [SD. 109](#), was filed by state Senator Harriette Chandler (D-Worcester). As of Monday afternoon it had 51 sponsors, about one-quarter of the Massachusetts Legislature.

[Current state law](#) in Massachusetts makes it illegal for a woman to get an abortion after 24 weeks unless "a continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health." It also requires a girl 17 or younger to get permission from her parents or guardians or from a superior court judge before obtaining an abortion. Both those provisions would be removed from state law if Chandler's bill passes and is enacted.

NARAL Pro-Choice Massachusetts, which supports legal abortion, [calls the bill](#) its "top priority" for the 2019-2020 legislative session.

It's known as the ROE Act, which stands for "An Act to Remove Obstacles and Expand Abortion Access," and which also alludes to *Roe v. Wade*, the 1973 U.S. Supreme Court decision that legalized abortion nationwide.

"The ROE Act breaks down barriers to ensure that women are able to receive appropriate medical care, according to a physician's best judgement, in tragic circumstances when there are lethal abnormalities or a risk to the woman's life during the course of a pregnancy," Chandler said in a written statement Monday. "The law should reflect that these are very difficult decisions that should be made between a woman and her doctor."

Abortion opponents say current Massachusetts law doesn't provide much hindrance to any type of abortion, because an unmeasurable mental health exception after 24 weeks can be used to justify abortion legally right up until birth, and because superior court judges routinely approve abortions for girls 17 and younger who ask for them if they can't provide written consent from their parents.

But some critics of the bill say it would change the tenor of the conversation in Massachusetts about abortion and drive a wedge between minors and their parents.

“Now you’re not even claiming that you want parents to be part of the discussion. Now you’re saying that we shouldn’t have the pretense of parental involvement when a 12-year-old wants to get an abortion,” said Chanel Prunier, executive director of Renew Massachusetts Coalition, a conservative advocacy organization, in an interview with New Boston Post. “What does that say about us as a state, and what does that say about us as a society?”

The bill would delete 10 sections of existing state law concerning abortion, including one that requires that doctors “take all reasonable steps, both during and subsequent to the abortion ... to preserve the life and health of the aborted child,” which includes cases where a fetus survives an abortion and is delivered alive ([Massachusetts General Laws, Chapter 112, Section 12P](#)).

Another section of current state law that would be deleted [requires doctors who perform abortions after 24 weeks](#) to submit a written statement to the state Department of Public Health justifying each abortion using the exceptions currently provided by state law (physical and mental health) and describing the abortion, including physical data about the fetus.

The new abortion bill [mentions pregnancies at 24 weeks](#) as a threshold, but would provide doctors wide latitude to decide whether to perform an abortion beyond that point and doesn’t give them additional hoops to jump through: “A physician, acting within [the physician’s] lawful scope of practice, may perform an abortion when, according to the physician’s best medical judgment based on the facts of the patient’s case, the patient is beyond twenty-four weeks from the commencement of pregnancy and the abortion is necessary to protect the patient’s life or physical or mental health, or in cases of lethal fetal anomalies, or where the fetus is incompatible with sustained life outside the uterus. Medical judgment may be exercised in the light of all factors — physical, emotional, psychological, familial, and the person’s age — relevant to the well-being of the patient.”

The bill also would significantly change definitions in state law.

[Current state law](#) defines elective abortion as “the knowing destruction of the life of an unborn child” and “unborn child” as “the individual human life in existence and developing from implantation of the embryo in the uterus until birth.”

[Chandler’s bill](#) would define abortion as “any medical treatment intended to induce the termination of a clinically diagnosable pregnancy except for the purpose of producing a live birth” and “pregnancy” as “the presence of an implanted human embryo or fetus within a person’s uterus.” The bill’s definitions do not include the words “unborn” or “child.”

The new Massachusetts abortion bill comes at a time when abortion is front-and-center in American politics.

On January 22, the 46th anniversary of *Roe v. Wade*, New York Governor Andrew Cuomo signed a bill into law legalizing abortion without restrictions to 24 weeks and up to the moment of birth if an abortion is deemed by a doctor “necessary to protect the patient’s life or health,” which includes mental health.

A week later, on January 29, a member of the Virginia House of Delegates told a legislative committee that a bill she filed would make abortion legal through 40 weeks, up until birth, [even if a woman is in labor](#).

The next day, on January 30, Virginia Governor Ralph Northam [appeared to go further](#), saying that in the case of a late-pregnancy abortion where a fetus survived delivery, “The infant would be resuscitated, if that’s what the mother and the family desired. And then a discussion would ensue between the physicians and the mother.”

Republican critics said the Democratic Virginia governor was defending infanticide. [A spokesman for the Virginia governor](#) and [the governor himself](#) subsequently released statements seeking to knock down those charges without addressing them directly. (Northam is currently dealing with a separate scandal concerning a photo that appeared on his 1984 medical school yearbook of one man in blackface and another wearing a white Ku Klux Klan getup.)

On Monday, February 4, U.S. Senator Ben Sasse (R-Nebraska) tried to get the federal Senate to pass a bill that would require doctors to try to save the life of a baby born after an attempted abortion, which he calls the Born Alive Abortion Survivors Act. It required unanimous consent to proceed, and Senate Democrats blocked it, saying infanticide is already illegal, [according to *The Hill*](#).

Closer to home, Massachusetts Governor Charlie Baker has been a reliable supporter of legal abortion. On July 27, 2018, for instance, the governor [signed a bill repealing](#) unenforced anti-abortion statutes, called by its supporters the “NASTY Women Act.”

Still, Prunier, of the Renew Massachusetts Coalition, on Monday called on Baker to oppose Chandler’s abortion bill on the grounds that it goes too far.

“We at the Coalition call on Governor Baker to stand with Sen. Ben Sasse, with his party, and against infanticide and the elimination of parental consent laws,” Prunier said in an email message to New Boston Post. “Even people who are pro-abortion support reasonable limits on the procedure to protect the mother and to acknowledge the humanity of the child and the state’s interest in protecting human life. The Roe Act throws these reasonable limits out the window and enshrines an unlimited, unquestioned right to abortion in state law. It is outside the mainstream of public opinion of voters of either party, and the Governor should pledge to veto it if it passes.”

The governor’s press office did not immediately respond to a request for comment Monday afternoon.