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**MASSACHUSETTS LEGISLATURE PASSES COMPREHENSIVE LEGISLATION
PROTECTING ACCESS TO REPRODUCTIVE AND GENDER-AFFIRMING CARE**

(BOSTON–07/27/2022) Yesterday, Representative Kane joined members of the Massachusetts Legislature to pass comprehensive legislation designed to further protect and expand reproductive health care and gender-affirming services in the Commonwealth. Although abortion remains legal in Massachusetts due to the Legislature’s efforts to codify and expand access to reproductive rights in 2020, the Legislature took additional action to further protect these rights and establish additional safeguards following the U.S. Supreme Court’s decision to overturn *Roe v. Wade*. The legislation, *An Act expanding protections for reproductive and gender-affirming care*, provides legal protections to abortion providers, out-of-state patients, and insurers; expands access to contraceptives; and helps ensure that women who face grave and lethal circumstances after 24 weeks of pregnancy are not forced to leave Massachusetts to access reproductive health care services.

An Act expanding protections for reproductive and gender-affirming care:

- Designates reproductive health care and gender-affirming services as legally protected health care
- Reaffirms that access to reproductive health care and gender-affirming services are a right secured by the constitution and laws of the Commonwealth
- Requires insurance coverage for abortion and abortion-related care without being subject to deductibles, coinsurance, copayments, or other cost-sharing requirements. Forbids MassHealth from charging deductibles, coinsurance, copayments, or other cost-sharing requirements for pre-natal, childbirth, and post-partum care
- Updates language from the 2020 ROE Act to help ensure that patients over 24 weeks of pregnancy are able to receive an abortion in Massachusetts because of a grave and lethal fetal diagnosis that indicates the fetus is incompatible with sustained life outside of the uterus without extraordinary medical interventions and requires that those decisions are made between the patient and their treating physician
- Requires the Department of Public Health (DPH) to issue a statewide standing order to authorize licensed pharmacists to dispense emergency contraception
- Clarifies that vending machines may dispense over-the-counter drugs, such as Plan B

- Ensures access to medication abortion on all public college and university campuses
- Allows individuals engaged in the provision, facilitation, or promotion of reproductive and gender-affirming health care to enroll in the Secretary of the Commonwealth's Address Confidentiality Program (ACP)
- Protects providers and out-of-state patients in Massachusetts by:
 - Prohibiting the Boards of Registration of various health professions from disciplining or taking adverse action on an application for registration of any person who assists with reproductive health care or gender-affirming services
 - Prohibiting Massachusetts law enforcement from assisting any investigation by federal authorities, another state, or private citizens related to legally protected reproductive and gender-affirming health care provided in the Commonwealth
 - Prohibiting medical malpractice insurers from discriminating against a provider that offers reproductive or gender-affirming health care services
 - Protecting Massachusetts residents from efforts to enforce court rulings from other states based on health care activity that is legally protected in Massachusetts
 - Prohibiting any Massachusetts court from ordering a person in Massachusetts to give testimony or produce documents for use in connection with any proceeding in an out-of-state tribunal concerning legally protected health care activity
 - Protecting Massachusetts residents and providers from lawsuits seeking to penalize health care activities legally protected in Massachusetts
 - Prohibiting a justice from issuing a summons for a person in Massachusetts to testify or appear in a court in another state in prosecutions or grand jury investigations related to legally protected health care activity
 - Preventing the Governor from extraditing someone to another state to face charges for receiving or providing abortion-related or gender-affirming care, except when required by federal law or unless the acts forming the basis of the investigation would also constitute an offense if occurring entirely in Massachusetts

Having been passed by the House and Senate, [*An Act expanding protections for reproductive and gender-affirming care*](#) now goes to Governor Baker for his signature.

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