



“Laura’s Law,” Affirming Women’s Right to Know Essential Information Before Abortion

A Legal Summary

Section 1 Finds that an important state interest exists in ensuring a fully informed choice and sufficient reflection time for women seeking abortion, and that key provisions of the current informed consent law (M.G.L. ch. 112, § 12S) are either inadequately enforced or are not enforced at all.

A federal court in Massachusetts declared the fetal description and 24 hour reflection period sections unconstitutional in 1981. This judgment was never vacated even after the U.S. Supreme Court upheld similar provisions in Pennsylvania in 1992. Thus, these portions of the current law are not being implemented. Moreover, the current abortion consent forms fail to provide sufficient information about abortion risks and alternatives and the consent process needs to be strengthened. Enacting a new statute would bypass the old judgment and strengthen protections for women.

In addition, this section establishes the Act’s purpose—to ensure that every woman considering abortion receives complete information and sufficient reflection time, thus reducing the possibility of harm arising from inadequately informed choices. Women deserve no less.

Section 2. Titles the bill as “Laura’s Law,” referring to Laura Hope Smith, a Massachusetts woman who died in 2007 as a result of complications from a legal abortion.

Section 3. Reaffirms the original but never enforced requirements in M.G.L. ch. 112, § 12S that women must be provided with a description of fetal development, allowed a twenty four hour reflection period before an abortion, Also reaffirms the current written consent requirement.

Strengthens the original law by requiring the Department of Public Health to provide comprehensive information in pamphlet, web page and telephone recording formats. Such information shall include a description of the woman’s rights under the Massachusetts patients bill of rights, a listing of agencies providing pregnancy and adoption services, pictures and scientifically accurate descriptions of each two-week stage of fetal development and factual summaries of the risks associated with abortion and childbirth. Also ensures that the woman is offered the opportunity to view an ultrasound or to hear the heartbeat of her unborn child.

Requires that before an abortion is performed a physician orally inform each woman of information considered material to the abortion decision of a reasonable person in her circumstances. Also requires the woman to be asked whether she has seen the materials described in this section, considered alternatives, and wants the opportunity to pursue other options.

Section 4. Amends M.G.L. ch. 111, § 70 to expressly include all abortion providers in the list of facilities subject to the requirements of the Patients Bill of Rights Act. This law applies already to all “clinics,” and yet testimony before the General Court has indicated that abortion clinics do not provide all of the protections guaranteed by the Patients Bill of Rights.

Section 5. Provides that any parts of the Act not found unconstitutional shall remain enforceable.

Section 6. Requires the Act to take effect immediately upon passage.