



REPRODUCTIVE EQUITY NOW

Abortion Laws in Massachusetts Explainer

- **Abortion is a legally protected right in Massachusetts¹**
- Abortion is permitted for any reason before 24 weeks after implantation,² this is 26 weeks and 6 days after the last menstrual period³
 - Abortions performed during this time may be performed by a physician, physician assistant, nurse practitioner, or nurse midwife commensurate with their scope of practice and are no longer required to be performed in hospitals⁴
- Based on federal, FDA guidelines, medication abortion is a safe, effective, and non-surgical method of terminating a pregnancy before the 11th week of gestation⁵
- At or after 24 weeks implantation (26 weeks and 6 days after the last menstrual period), Massachusetts law allows abortion to be performed by a physician if, in the best medical judgment of the physician, it is:
 - (1) necessary to preserve the life of the patient;
 - (2) necessary to preserve the patient's physical or mental health;
 - (3) warranted because of a lethal fetal anomaly or diagnosis; or
 - (4) warranted because of a grave fetal diagnosis that indicates that the fetus is incompatible with sustained life outside of the uterus without extraordinary medical interventions⁶

These circumstances are viewed independently of one another, and only one circumstance needs to be met⁷

- Massachusetts law prohibits a medical review process from overriding the treating physician and a patient (or the patient's health care proxy) determination that abortion care is appropriate.⁸
- Young people aged 16 and older can consent to an abortion⁹

¹ MGL Ch. 112, § 12L.

² MGL Ch. 112, § 12M.

³ See, *Pregnancy and Conception*, Reviewed by Nivin Todd, WebMD Medical Reference (June 21, 2020), <https://www.webmd.com/baby/understanding-conception>; Allen J. Wilco, Donna Day Baird, & Clarice R. Weinberg, *Time of Implantation of the Conceptus and Loss of Pregnancy*, 340 *New England J. of Med.* 1796 (1999); Maegan Boutot, *How pregnancy *actually* happens*, Clue (June 19, 2019), <https://hellocue.com/articles/sex/conception-pregnancy-fertilization-explained>.

⁴ MGL Ch. 112, § 12M.

⁵ Mifeprex (mifepristone) Information, FDA (updated Dec. 16, 2021), available at <https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/mifeprex-mifepri-tone-information>.

⁶ MGL Ch. 112, § 12N, as modified by Ch. 127 of the Acts of 2022.

⁷ *Id.*

⁸ *Id.*

⁹ MGL Ch. 112, § 12R.



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- Young people 15 and below must obtain parental consent or undergo a judicial bypass process¹⁰
 - Judicial bypass means a judge allows performance of the abortion if:
 - (1) the patient is mature and capable of giving informed consent to the procedure or
 - (2) the judge determines that the patient is not mature but that performance of an abortion would be in the patient's best interests
 - The judicial bypass process can be completed remotely and does not require the young person to go physically to court¹¹
- There is no mandatory waiting period for abortion in Massachusetts. This means mandatory counseling is not required, and same-day abortions are available after giving informed consent.¹²

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*