

Massachusetts House passes abortion amendment lowering parental consent age to 16

By Chris Van Buskirk
State House News Service

The Massachusetts House on Thursday adopted a budget amendment to allow abortions after 24 weeks in the case of lethal fetal anomalies and lower the age from 18 to 16 that a minor can choose to have an abortion without parental or judicial consent.

The Rep. Claire Cronin amendment, adopted on a 108-49 vote, also directs the Department of Public Health to collect data on abortions performed by physicians, physician assistants, certified nurse practitioners, or certified nurse-midwives. The amendment sparked contentious debate for about 90 minutes before the vote.

“It was only hours after the death of Ruth Bader Ginsburg, that [Speaker Robert DeLeo] called me, and on a Friday night no less, to make clear that the House would take action to ensure that a woman’s right to access safe reproductive care remained intact,” Cronin said.

Standing in opposition to the measure, which has been percolating for months, Minority Leader Brad Jones again took issue with Speaker Robert DeLeo bringing a policy proposal forward after saying the budget was no place for such amendments.

“It raises the question whether agreements and understandings really mean anything. I don’t deny the underlying issue is important, critically important to members and to the public. But to be being done as part of the budget process is wrong,”

said the North Reading Republican, who voted against the amendment. "I don't care what side of the issue you're on, being done as part of the budget process in a lame duck session, under the cover of darkness, in the midst of a pandemic is wrong."

Cronin made clear during her floor speech that the amendment was "not the ROE Act," a piece of legislation that has sat before her committee since the start of 2019 and has drawn significant support and opposition.

The Easton Democrat said the death of U.S. Supreme Court Justice Ruth Bader Ginsburg and appointment of Justice Amy Coney Barrett to the Supreme Court renewed a push "for legislative action to ensure that women have access to safe and legal reproductive health care in Massachusetts."

The amendment still requires a young woman under the age of 16 to obtain parental consent or go through a judicial bypass to obtain an abortion. Cronin said the amendment also allows judicial proceedings to take place via teleconference or in-person and removes reference to existing criminal penalties.

"We recognize for some women, transportation to or access to a courthouse is a significant barrier," Cronin said. "The embarrassment of going into a local courthouse and being seen or recognized by friends or neighbors can be traumatic."

Rep. Jay Livingstone cited the story of a woman whose fetus had a lethal fetal anomaly in week 35 of the pregnancy and had to raise money from family and friends to travel to Colorado to obtain an abortion.

"We have the best doctors in Massachusetts, in the world. People come from around the world to Massachusetts for our medical services. Yet in this case, somebody had to pay a large sum of money to go to Colorado. For many pregnant people, they won't have that option," the Boston Democrat said. "I have been horrified by what has happened in other

states where based on the federal judiciary's willingness, seeming willingness, to gut federal law, legislators in other states, in some other states, are trying to restrict access as much as possible, to eliminate it. I'm so glad that Massachusetts is taking a different path."

Rep. Colleen Garry (D-Dracut) raised several prohibitions currently in place for people under the age of 18 and referenced a bill passed by the Senate in 2019 that would also ban marriage for anyone under the age of 18 as a reason she felt it was incongruous for women under 18 to access abortion without parental or judicial consent.

"If a young girl cannot get married, if she cannot smoke a cigarette, if she can't drink alcohol, if she can't vote, – I certainly don't think that she should be able to get a third-trimester abortion without parental or the judicial bypass," she said. "Again, July 2018 we codified Roe v. Wade. This is not protecting Roe v. Wade, this is expanding abortion to the moment of birth and it is just wrong under those circumstances."

In a joint statement, ACLU of Massachusetts, NARAL Pro-Choice Massachusetts, and Planned Parenthood Advocacy Fund of Massachusetts praised the House for passing the measure.

"The House of Representatives has taken a critical first step in removing medically unnecessary barriers to abortion care and ensuring that Bay Staters are no longer forced to fly across country or forced to go to court in order to get the abortion care they need," the statement read. "While our work is far from over, the ROE Act Coalition recognizes the passage of budget Amendment #759 as a significant accomplishment, years in the making."

The organizations added that they are looking ahead to Senate budget deliberations "and are confident that they will listen to the overwhelming majority of Massachusetts voters,

activists, medical providers, and families who believe that all Bay Staters should be able to access the abortion care they need, free from shame, stigma, or medically unnecessary barriers.”

Senate Democrats indicated Thursday that plans to bring an abortion access amendment up are in the works for budget deliberations that begin in that branch on Tuesday.

DeLeo, in a statement after the vote, said he was proud of the House’s approval of the amendment.

“In the wake of the threat to reproductive rights for women on the national level, Iâ€™m proud of the House vote to remove barriers to womenâ€™s reproductive health options and protect the concepts enshrined in Roe v. Wade,” he said.

Nineteen Democrats voted against the amendment. Rep. James Kelcourse was the lone Republican to vote in favor.