

HOUSE No. 2658

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone and Mindy Domb

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to provide reproductive health care to incarcerated individuals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/15/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/15/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/4/2025</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/4/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/4/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/4/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/4/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/25/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/25/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/25/2025</i>

HOUSE No. 2658

By Representatives Livingstone of Boston and Domb of Amherst, a petition (accompanied by bill, House, No. 2658) of Jay D. Livingstone, Mindy Domb and others for legislation to provide reproductive health care to incarcerated individuals. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to provide reproductive health care to incarcerated individuals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 127 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 169 the following section:-

3 Section 170. As used in this chapter, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Contraceptive services,” contraceptive counseling and initiation, continuation,
6 surveillance, and discontinuation of contraceptive methods.

7 “Reversible birth control methods,” includes birth control methods other than
8 sterilization, including but not limited to, intrauterine devices, the contraceptive implant,
9 injectable medroxyprogesterone, combined oral contraceptive pills, progestin-only contraceptive
10 pills, contraceptive patches, vaginal contraceptive rings, diaphragms, cervical caps, contraceptive
11 sponges, internal and external condoms, and spermicides.

“Emergency contraception,” birth control methods that are used to prevent pregnancy after sexual intercourse.

“Nonprescription birth control methods,” birth control methods available without a prescription from a health care provider, including but not limited to internal and external condoms, spermicides, fertility awareness-based methods, and certain emergency contraceptive methods.

“Undue barriers,” processes or procedures that are not in line with standards of medical care and that would cause significant expense or difficulty if carried out, including but not limited to barriers to transportation to appropriate clinical services, unreasonably delaying access to care, disclosure of personal information to correctional facility staff, and without requiring disclosure of personal information beyond what is medically necessary to safely prescribe contraceptives.

Contraceptive services, including but not limited to reversible birth control methods, emergency contraception, and non-prescription birth control methods shall be made available to incarcerated persons at any time upon request.

The department of correction, in consultation with the department of public health and Massachusetts Sheriffs Association, Inc., shall establish regulations for distribution that consists of all FDA-approved birth control methods and that shall be available free of charge and without undue barriers to all incarcerated persons capable of pregnancy.

Any incarcerated person capable of pregnancy shall, upon request, be allowed to continue birth control methods as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant prior to incarceration.

34 Contraceptive counseling and family planning services shall be offered and made
35 available to all incarcerated persons who are capable of becoming pregnant at least 60 days, but
36 not longer than 180 days, prior to a scheduled release date; provided, however, that such visits be
37 voluntary and not mandatory.

38 The prison health care provider shall refer any individual using contraceptives to a
39 medical provider who can manage the method at the time of release and provide refills of the
40 medication through 12-months, as indicated.

41 Any incarcerated person who is capable of becoming pregnant shall be furnished by the
42 facility with information and education regarding the availability of family planning services and
43 their right to receive nondirective, unbiased, and noncoercive contraceptive services. Each
44 facility shall post this information in conspicuous places to which all incarcerated persons who
45 are capable of becoming pregnant have access.

46 The Department of Correction shall implement this section no later than 1 year after its
47 passage.

48 SECTION 2. Section 118 of chapter 127 of the General Laws, as appearing in the 2020
49 Official Edition, is hereby amended by adding the following subsection:-

50 (d) Incarcerated persons found to be pregnant requesting an abortion, shall be permitted
51 to determine their eligibility for an abortion pursuant to state law, and if determined to be
52 eligible, shall be permitted to obtain an abortion after giving informed consent. A prison shall not
53 confer authority or discretion to nonmedical prison staff to decide if a pregnant person is eligible
54 for an abortion.

55 The department of correction shall, in consultation with the department of public health
56 and the Massachusetts Sheriffs Association, Inc., develop appropriate standards of care and
57 written policies for abortion.

58 SECTION 3. Subsection (a) of section 118 of chapter 127 of the General Laws, as
59 appearing in the 2020 Official Edition, is hereby amended by inserting, in line 2, after the word
60 “sentencing” the following words:- “or upon request at any time during incarceration” and by
61 inserting, in line 6, after the word “tests;” the following words:- “provided, however, that
62 pregnancy tests be voluntary and not mandatory.”

63 SECTION 4. Subsection (a) of section 118 of chapter 127 of the General Laws, as
64 appearing in the 2020 Official Edition, is hereby amended by inserting, in line 7, after the word
65 “material” the following words:- “that includes unbiased information about prenatal health care,
66 adoption, and abortion from a licensed healthcare professional” and inserting, in line 9, after the
67 word “inmates;” the following words:- provided, however, that prison staff shall not urge, force,
68 or otherwise influence a pregnant person’s decision”.