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**LEGISLATIVE TESTIMONY**

To: Members of the Joint Committee on the Judiciary  
From: James F. Driscoll Esq., Executive Director  
Re: Support of House 482, “An Act Relative to a Woman’s Right to Know” and House 484, “An Act Relative to Sex Selection in Pregnancy”  
Date: June 8, 2011

The Massachusetts Catholic Conference (“Conference”) respectfully submits this testimony in support of House 482, “An Act Relative to a Woman’s Right to Know” and House 484, “An Act Relative to Sex Selection in Pregnancy.”

**Strengthening State Law by Protecting A Woman’s Right to Know**

House 482 requires the Department of Public Health (DPH) to make available a pamphlet, web page and telephone message describing a woman’s rights under the Massachusetts Patients Rights Act, detailing the risks of abortion, listing agencies providing abortion alternatives and prenatal care, and supplying scientifically accurate descriptions of fetal development. Abortion providers would be required to inform women and young girls before the procedure that such materials are available and give the materials to those who request them. Abortion facilities would be required to provide women and young girls 24 hours to reflect before going through with the abortion. These requirements would not apply in medical emergencies.

A provision contained in section 2 of House 482, the “Woman’s Right to Know” bill, would further require that access to ultrasound imaging of the unborn child and electronic audio recording of the unborn child’s heartbeat be offered to the pregnant woman. As of the end of 2010, informed consent laws similar to House 482 have been put into effect in thirty-one (31) states.<sup>1</sup> Laws in effect in twenty (20) states specifically require information about the availability of ultrasound imaging or require the performance of an ultrasound before an abortion.<sup>2</sup> House 482 provides the Commonwealth an opportunity to join other states in the country in this effort to support the inherent dignity of all women and young girls.

The U.S. Supreme Court has legalized abortion for any reason and at any stage of pregnancy.<sup>3</sup> Moreover, an agency that seeks to profit from a decision to abort is not required in Massachusetts to disclose all of the known side effects a woman may encounter during or after her operation.<sup>4</sup> Prior to the abortion, the Commonwealth of Massachusetts simply obliges the providing facility to inform the woman that during an abortion “the contents of the womb (uterus) are removed.” See the attached form created by the Massachusetts Department of Public Health (for third trimester abortions, identical in relevant respects to forms created for first and second trimester abortions). Today, the abortion industry does not have to share with a pregnant woman contact information for agencies prepared to provide her with alternative choices and assistance.<sup>5</sup>

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<sup>1</sup> Americans United for Life, Women’s Right to Know Act: Model Legislation & Policy Guide for the 2011 Legislative Year 19 (2011), available at <http://www.aul.org/wp-content/uploads/2010/12/WRTK-Informed-Consent-2011-LG.pdf>.

<sup>2</sup> Americans United for Life, Women’s Ultrasound Right to Know Act: Model Legislation & Policy Guide for the 2011 Legislative Year 11 (2011), available at [http://www.aul.org/wp-content/uploads/2010/12/Ultrasound-Requirement-2011-LG-\\_2\\_.pdf](http://www.aul.org/wp-content/uploads/2010/12/Ultrasound-Requirement-2011-LG-_2_.pdf).

<sup>3</sup> As a result of the Court’s 1973 decisions in *Roe v. Wade* and *Doe v. Bolton*, “no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy.” Report of the United States Senate Judiciary Committee on S.J. Res. 3, at 6, (1983) (Sen. Rep. No. 98-149).

<sup>4</sup> For background, see Daniel Avila, Briefing Paper: Abortion Consent in Massachusetts—Women Are Being Denied the Right to Know (2001), available at [http://www.macathconf.org/abortion\\_consent\\_in\\_massachusetts.htm](http://www.macathconf.org/abortion_consent_in_massachusetts.htm).

<sup>5</sup> *Id.*

House 482 would improve current policy regarding informed consent, and move our laws closer to providing equal protection for all women and their children. It would reinforce every woman's right to know the complete facts about an invasive medical procedure prior to its execution on her body. Additionally, the bill would ensure that all clients have access to professionals that can offer a second or third opinion, prior to their surgery. The bill simply requires industries that profit from abortion to first offer their patients information about the all the known consequences and side effects that may occur during or after an abortion.

Opponents claim that this bill unfairly tilts the consent process against abortion, yet they fail to acknowledge that current industry practices are slanted towards abortion. Due to economic and ideological pressures, women are subjected to a counseling approach that emphasizes the virtues, so to speak, of the industry-preferred choice.<sup>6</sup> Those offering abortions in Massachusetts believe that they are providing a benefit. However, abortion providers retain a vested interest in one outcome, abortion, and have every motivation to offer to potential consumers only such information that favors that outcome.

House 482 attempts to ensure a level field for women and young girls by requiring information that an abortion provider otherwise has little incentive to provide. Imparting more balance to the consent process satisfies state constitutional requirements of neutrality.<sup>7</sup>

The Roman Catholic Church joins other secular and religious organizations in affirming the dignity of all human life at every stage of existence from conception until natural death. The Conference, the public policy office of the Roman Catholic Bishops, supports the passage of House 482.

### **An Act to Prevent Gender Selection**

The Conference also supports the passage of House 484, "An Act Relative to Sex Selection in Pregnancy" which seeks to prohibit a physician from providing an abortion to a woman that is dissatisfied with the gender of the infant in her womb. Support for this legislation is consistent with the firm support that the Roman Catholic Church has for the right to life of every person.

"The first right of the human person is his life. He has other goods and some are more precious, but this one is fundamental--the condition of all the others. Hence, it must be protected above all others. It does not belong to society, nor does it belong to public authority in any form to recognize this right for some and not for others: all discrimination is evil, whether it be founded on race, sex, color or religion."<sup>8</sup>

### **Requested Committee Action**

For the foregoing reasons, the Conference urges the Committee to give House 482 and House 484 a favorable report recommending their passage.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.

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<sup>6</sup> See Daniel Avila, "The Right to Choose, Neutrality, and Abortion Consent in Massachusetts," 38 Suffolk U. L. Rev. 511, 530-47 (2005), available online at [http://www.law.suffolk.edu/highlights/stuorgs/lawreview/documents/AvilaFinal\\_000.pdf](http://www.law.suffolk.edu/highlights/stuorgs/lawreview/documents/AvilaFinal_000.pdf).

<sup>7</sup> Id. at 548-56.

<sup>8</sup> Congregation for the Doctrine of the Faith, *Declaration on Abortion* no. 11 (1975), available at [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19741118\\_declaration-abortion\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19741118_declaration-abortion_en.html).