

STATE LEGAL SNAPSHOT

Massachusetts

Abortion law, status, and enforcement — one-page reference

As of Jul 28, 2026

Research completed Jul 28, 2026

Confidence: high



● Abortion is protected by the state constitution, legal up to 24 weeks (implantation), currently available.

GESTATIONAL LIMIT	24 weeks	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	No
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	Consent one parent		
✓ SHIELD STATE	Yes	MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Abortion is a fundamental right under the Massachusetts state constitution and is legal for any reason up to 24 weeks post-implantation, with broad exceptions afterward.

Mass. Gen. Laws ch. 112, § 12L · Moe v. Sec’y of Admin. & Fin., 382 Mass. 629 (1981)

▣ Fetal personhood & the internal contradiction

Massachusetts law contains a meaningful internal tension between its abortion-rights framework and its fetal-homicide jurisprudence. The same Supreme Judicial Court that recognized a fundamental state constitutional right to abortion in *Moe v. Secretary of Administration and Finance* (1981) also held, in *Commonwealth v. Cass* (1984) and *Commonwealth v. Lawrence* (1989), that a viable fetus is a 'person' for purposes of vehicular homicide and involuntary manslaughter. The wrongful death cases (*Mone*, *Thibert*) similarly treat a viable fetus as a person whose death is compensable.

Commonwealth v. Cass, 392 Mass. 799, 467 N.E.2d 1324 (1984) · *Commonwealth v. Lawrence*, 404 Mass. 378, 536 N.E.2d 571 (1989) · Mass. Gen. Laws ch. 112, § 12K

MINORS

Minors under 16 must obtain consent from one parent or guardian, or obtain judicial bypass; minors 16 and older can consent on their own.

SPOUSAL / PATERNAL RIGHTS

Massachusetts has no statute requiring spousal consent, spousal notice, or paternal consent for abortion; any such requirement would be unconstitutional under binding precedent.

▣ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician or provider performing abortion outside statutory limits	Professional misconduct; no criminal offense exists under current law	Potential license discipline (suspension, revocation, reprimand, fine) by the Board of Registration in Medicine; no criminal penalty. Shield Law limits disciplinary action for lawful reproductive health care.
Pregnant person obtaining or self-managing abortion	None; no criminal offense exists	None. Old criminal ban (G.L. c. 272, § 19) was repealed in 2018. Current abortion statutes do not regulate the pregnant person.
Physician assistant, nurse practitioner, nurse midwife	Same as physician; no criminal offense	Potential license discipline from respective licensing board, limited by Shield Law; no criminal penalty
Pharmacist dispensing abortion medication	No criminal offense; Shield Law protects against discipline	No penalty for dispensing lawful medication; Shield Law 2.0 (St. 2025, c. 16) protects against out-of-state actions and data collection
Any person aiding or assisting (driver, funder, counselor, friend)	None; no criminal offense exists; Shield Law affirmatively protects aiders	None under Massachusetts law. Shield Law provides cause of action against those who bring 'abusive litigation' related to legally protected health care activity.

Recent changes

- Jul 2026

The Massachusetts House of Representatives passed H.5595 (the Prioritizing Patient Access to Care Act) on a 119-33 vote, which would remove the four specific statutory exceptions for abortion after 24 weeks and instead allow physicians to provide post-24-week abortion based on their professional medical judgment.
- Jul 2026

The One Big Beautiful Bill Act's Medicaid 'defund' provision (Pub. L. No. 119-21, § 71113) expired by its own one-year term.
- Aug 2025

Governor Maura Healey signed the Shield Law 2.0 (St. 2025, c.
- Jun 2024

Governor Healey issued Executive Order 633, Protecting Access to Emergency Abortion Care in Massachusetts, reaffirming that state law protects the right to emergency abortion care.
- Apr 2023

Governor Maura Healey issued Executive Order 609, confirming that the Shield Law's protections extend to medication abortion including mifepristone and misoprostol, and announcing the state's purchase of approximately 15,000 doses of mifepristone as a stockpile.
- Jul 2022

Governor Charlie Baker signed the Shield Law (St. 2022, c. 127), An Act Expanding Protections for Reproductive and Gender-Affirming Care.
- Jul 2022

Attorney General Maura Healey issued a consumer advisory warning patients about 'crisis pregnancy centers' that do not provide abortion or comprehensive reproductive care, and may use deceptive tactics.

Pending changes to watch

H.5595 — Prioritizing Patient Access to Care Act
Legislation · Passed House 119-33 on July 22, 2026; pending in Senate as of July 28, 2026 with legislative session ending July 31, 2026.
Would remove the current four enumerated exceptions for post-24-week abortion (life, physical health, mental health, lethal or grave fetal diagnosis) and replace them with a general standard allowing a licensed physician to perform an abortion after 24 weeks based on their professional medical judgment.

H.1991 / S.1579 — Eliminating Barriers to Abortion Access for Young People
Legislation · Referred to committee; S.1579 discharged to Judiciary Committee December 2025; hearing held June 2025.
Would amend G.L. c. 112, §§ 12F and 12R to eliminate the parental consent requirement for minors under 16, removing the judicial bypass process. Minors of any age would be able to consent to abortion on their own.

Louisiana v. FDA, No. 26-30203 (5th Cir.) — federal mifepristone telehealth and pharmacy dispensing case
Litigation · On May 1, 2026, a Fifth Circuit panel stayed the FDA's 2023 authorizations permitting mifepristone to be dispensed via telehealth and through retail pharmacies, holding Louisiana was likely to succeed on its Administrative Procedure Act claim.
If the Fifth Circuit's stay is ultimately reinstated or Louisiana prevails on the merits, the FDA would be required to restore an in-person dispensing requirement for mifepristone nationwide.

Key authorities

Moe v. Secretary of Administration and Finance 382 Mass. 629, 417 N.E.2d 387 (1981)
The foundational state constitutional case: the SJC held that Article 10 of the Massachusetts Declaration of Rights protects the right to abortion, including a right to state Medicaid funding for medically necessary abortions.

ROE Act (St. 2020, c. 263) Mass. Gen. Laws ch. 112, §§ 12K–12R
The current operative abortion statute: codifies the right to abortion, authorizes multiple clinician types, sets the 24-week framework with post-24-week exceptions, eliminates the waiting period, and contains no criminal penalties.

Massachusetts Shield Law Mass. Gen. Laws ch. 12, §§ 111½, 111¾; St. 2022, c. 127
The first-in-the-nation shield law protecting providers, patients, and helpers from out-of-state investigations, subpoenas, extradition, and abusive litigation related to lawful reproductive health care.

Shield Law 2.0 St. 2025, c. 16
Strengthened shield protections by prohibiting collection of individually identifiable abortion data, extending non-cooperation mandates, and protecting provider privacy in prescribing.

Insurance Coverage Mandate St. 2022, c. 127, §§ 7–8 (amending Mass. Gen. Laws ch. 32A, § 17C)

Requires all fully insured health plans in Massachusetts, including MassHealth and ConnectorCare, to cover abortion and abortion-related care without cost-sharing.

Generated from the structured legal focused deep-research record for MA (research completed 2026-07-28). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Massachusetts survey. This document has not been reviewed by a lawyer and should not be used as legal advice.