

Massachusetts' Negating Archaic Statutes Targeting Young Women Act

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Issue

Provide a brief summary of a recently enacted Massachusetts abortion law: The Negating Archaic Statutes Targeting Young Women Act (“NASTY Women Act”). Could Connecticut adopt similar legislation?

Summary

In July 2018, the Massachusetts legislature passed the NASTY Women Act ([2018 S.2260](#)), which primarily repeals outdated unenforced provisions related to women’s reproductive health, including abortion, contraception, and adultery. We discuss the act’s provisions and their relationship to Connecticut law individually below. Generally, Connecticut does not have laws with similar provisions.

For additional information on state abortion laws, see OLR Report [2018-R-0181](#), which compares Connecticut’s abortion laws with those of other states.

Massachusetts’ NASTY Women Act

Abortion Ban

The Massachusetts act repeals a 173-year-old law that prohibited a woman from “procuring a miscarriage” and anyone from assisting or performing one. While abortion is already legal under other Massachusetts law and federal law, it was widely reported that the legislature passed the act in the event that the U.S. Supreme Court overturns *Roe v. Wade* in the future (M.G.L. Ch. 272, § 19).

Connecticut does not have a similar law. Conversely, it is one of a small number of states that have enacted laws affirmatively declaring a woman's right to choose an abortion. Connecticut law provides that "the decision to terminate a pregnancy prior to the viability of the fetus shall be solely that of the pregnant woman in consultation with her physician" ([CGS § 19a-602\(a\)](#)).

In 1990, Connecticut repealed its laws that criminalized abortion.

Late-Term Abortions

The Massachusetts act eliminates a provision that required abortions occurring on or after the 13th week of pregnancy to be performed in a hospital. As under prior law, it continues to prohibit abortion after 24 weeks of pregnancy except to preserve the mother's life or health. Such abortions must be performed in a hospital (§ 1, amending M.G.L Ch. 112, § 12Q).

Connecticut law and regulations prohibit abortion after the fetus is viable (i.e., during the third trimester), except to preserve the mother's life or health ([CGS § 19a-602\(b\)](#) and Conn. Agencies Regs., § 19-13-D54). Abortions induced after the second trimester must be performed at a hospital with anesthesiology and obstetrics and gynecology departments (Conn. Agencies Regs., § 19-13-D54).

Abortion Assistance

The Massachusetts act repeals a law that prohibited someone from selling, offering to sell, giving away, or lending (1) an instrument or article to be used for self-abuse or (2) drug, medicine, or instrument to prevent pregnancy or cause an unlawful abortion. A person who violated that law was subject to up to five years' imprisonment or a fine of between \$100 and \$1,000 (M.G.L Ch. 272, § 21).

Connecticut does not have a similar law.

Advertising Abortion Services

The Massachusetts act repeals a law that prohibited someone from advertising or publishing abortion information or services. A person who violated the law was subject to up to three years' imprisonment or a fine of up to \$1,000 (M.G.L Ch. 272, § 20).

Connecticut does not have a similar law.

Contraception

The Massachusetts act amended a provision under prior law that allowed only a physician to administer or prescribe, and a pharmacist to dispense, contraception to married individuals. It instead allows any authorized health care provider (i.e., physician, physician assistant, nurse practitioner, or certified nurse midwife) to administer or prescribe contraception to any person, not just those who are married.

The act also allows any health care provider, instead of only a public health agency, registered nurse, or a hospital maternity health clinic to provide information about where to lawfully obtain contraception. It allows this information to be provided to any person, not just married persons as under prior law (§ 3, amending M.G.L. Ch. 272, § 21A).

Connecticut does not have a similar law.

Adultery

The Massachusetts act repeals a law that subjected a married or unmarried person who committed adultery to a fine of up to \$500, imprisonment for up to three years, or both (M.G.L. Ch. 272, § 14).

Connecticut does not have a similar law. In 1991, the legislature repealed a law that made adultery a Class A misdemeanor (former CGS § 53a-81).

Fornication

The Massachusetts act repeals a law that made fornication punishable by up to three months imprisonment or a fine of up to \$30 (M.G.L. Ch. 272, § 18).

Connecticut does not have a similar law.