

How Massachusetts's Shield Law Protects Abortion Care

A Guide for Clinicians

Presented by:



&



OVERVIEW

Following the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which ended federal legal protections for abortion, several states have enacted laws that significantly restrict or completely prohibit abortion access, often imposing criminal penalties. In response to these events, in 2022, Massachusetts created a "shield law," to protect clinicians from the consequences of civil and criminal actions in other states that restrict or criminalize reproductive and gender-affirming care. Massachusetts providers that provide care while they are physically present in Massachusetts are legally protected by the shield law no matter where the patient was located when the care was given.

*The Shield Law only applies to legally protected health care services that are lawful in Massachusetts and provided by a licensed provider located in the state

The MA Shield Law protects against:

- Criminal consequences (extradition, arrest, and cooperation with any out-of-state investigations or evidentiary requests by states who try to impose disciplinary actions).
- Professional disciplinary action (preventing state licensing bodies from imposing consequences against a provider's license for engaging in legally protected health care activity)
- Adverse liability insurance actions (preventing insurers from taking adverse action against abortion clinicians, such as rejecting or limiting insurance coverage, increasing premiums, refusing to renew coverage, or adjusting their risk classification).

CAVEAT

Clinicians cannot provide abortion outside of Massachusetts and then flee to Massachusetts to seek protection under the Massachusetts Shield Law. Providers who travel to other states are subject to the laws of the states where they visit. This means that a provider can be arrested, extradited, or served in another state and the Massachusetts Shield Law's protections will not apply.

For more information please contact:

Office of the Massachusetts Attorney General, Andrea Joy Campbell, Reproductive Justice Unit

Email: reprojustice@mass.gov

Abortion Legal Hotline

Call (833) 309-6301 for free and confidential legal advice and resources targeted toward Massachusetts-based health care providers. Someone will do their best to get back to you within 2-3 business days.