

OFFERED BY COUNCILORS HENRY SANTANA, BREADON, COLETTA ZAPATA, DURKAN,  
FITZGERALD, FLYNN, MURPHY, PEPÉN, WEBER, WORRELL AND LOUIJEUNE

## CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE



**ORDER FOR THE BOSTON CITY COUNCIL  
TO HOLD A POLICY BRIEFING REGARDING  
THE PUBLIC SAFETY AND CRIMINAL JUSTICE  
IMPLEMENTATION AND IMPACTS IN THE CITY OF BOSTON  
OF THE “SHIELD LAW,” KNOWN FORMALLY AS  
“A MASSACHUSETTS ACT EXPANDING PROTECTIONS  
FOR REPRODUCTIVE AND GENDER-AFFIRMING CARE”**

**WHEREAS,** “An Act Expanding Protections for Reproductive and Gender-Affirming Care” (HB 5090, Mass. 2022) was adopted by the Commonwealth of Massachusetts on July 29, 2022, and is commonly referred to as the “Shield Law”; *and*

**WHEREAS,** In October 2023, under the leadership of Attorney General Andrea Campbell, the Attorney General’s Office launched a Reproductive Justice Unit, tasked with protecting and expanding access to abortion and reproductive health care, in addition to gender-affirming care and postpartum maternal health; *and*

**WHEREAS,** In a publication titled “Know Your Rights: Shield Law” produced by the Reproductive Justice Unit, the context and intention of the law is described: “Since the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, ending federal legal protection for abortion, some states have adopted laws that severely restrict or outright ban access to abortion, sometimes with criminal penalties. To respond to these events, in July 2022, Massachusetts enacted a law (often referred to as the ‘Shield Law’) that protects people in Massachusetts from the consequences of civil and criminal actions in other states that restrict or criminalize reproductive and gender-affirming care. This law was the first of its kind to extend protections for care provided by a Massachusetts provider regardless of the patient’s location at the time the care was provided.”; *and*

**WHEREAS,** The Shield Law protects health care providers and patients located in Massachusetts when accessing or providing reproductive or gender-affirming care, and also protects people helping others to access care, as well as any person or entity engaged in legally protected health care activity in Massachusetts, including insurers, employers, and schools; *and*

**WHEREAS,** Reproductive and gender-affirming health care activities are legally protected by the Shield Law so long as they are performed by a licensed provider under

Massachusetts law who is physically present in Massachusetts at the time the care is provided, and the services are permitted under Massachusetts law and meet applicable professional standards of care; *and*

**WHEREAS,** The Shield Law protects against criminal and civil liability in other states by prohibiting Massachusetts state courts, police officers, and other law enforcement officials from assisting other states in investigating or prosecuting legally-protected health care activity; the Shield Law further ensures that state licensing bodies do not impose suspension, revocation, or other consequences against a provider's license for engaging in legally-protected health care activity, and prohibits discrimination against practitioners by medical malpractice insurance providers on the basis of the legality of reproductive or gender-affirming care in other states, another state's laws creating actual or potential liability for providing the care, or the potential for a provider to face a judgement in frivolous or harassing litigation; *and*

**WHEREAS,** Other Massachusetts laws related to reproductive and gender-affirming care are respected by the Shield Law, as it applies only to legally-protected health care services that are lawful in Massachusetts and provided by a licensed provider; *and*

**WHEREAS,** As the largest city in the Commonwealth, and as home to many leading health care institutions and providers, the City of Boston has a special interest in ensuring effective public safety and criminal justice for all Boston patients, providers, institutions, and other people and institutions protected by the Shield Law by ensuring the policies of all applicable City of Boston departments are effective in upholding and implementing the Shield Law locally; *and*

**WHEREAS,** The Boston City Council can benefit from a deeper understanding of the practical implementation and public safety impacts of the Shield Law for protecting the people and institutions of Boston. ***NOW, THEREFORE BE IT***

**ORDERED:** That the appropriate Boston City Council Committee host a policy briefing regarding the public safety and criminal justice implementation and impacts in the City of Boston of the "Shield Law," known formally as "A Massachusetts Act Expanding Protections for Reproductive and Gender-Affirming Care." Experts on the Shield Law and its practical application within the jurisdiction of the City of Boston for offering legal protections to patients, providers, people helping with access to care, employers, schools, insurers, and other people and entities located within Boston shall be invited as panelists. The briefing shall be duly publicly noticed and open to the public, and City Councilors, stakeholders, and interested parties shall be invited to attend.