

# Massachusetts Shield Law Fact Sheet

SEPTEMBER 2025

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For both reproductive and gender-affirming care, Massachusetts's shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, civil liability, and adverse consequences for health care providers' professional liability insurance. Additionally, in 2025, Massachusetts amended its shield laws to include protections for medical information and other data related to reproductive and gender-affirming care.

## **PROTECTION AGAINST OUT-OF-STATE INVESTIGATIONS AND PROSECUTIONS**

### **Protection Barring State Agency/Employee Assistance**

Massachusetts law enforcement officers, employees, and state or local agencies may not provide assistance or information to a federal law enforcement agency, another state's law enforcement agency, or private citizen related to an investigation into "legally-protected health care activity"—obtaining, providing insurance for, or aiding or encouraging reproductive or gender-affirming health care services lawful in Massachusetts regardless of the patient's location, unless required by federal law.<sup>1</sup> Further, no such entity may use any time, money, personnel, or other resources in relation to an investigation into a "legally-protected health care activity" that occurred entirely in Massachusetts.

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<sup>1</sup> S.2538 (Mass. 2025) (To be codified at Mass. Gen. Laws Ch. 12 § 111I/2)

## Protection against Extradition and Arrests

The Governor may not surrender a person charged in another state because of engaging in “legally protected health care activity” unless the state requesting surrender alleges that the person committed the criminal act while physically present in the requesting state and then fled.<sup>2</sup>

## Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Massachusetts courts may not issue a witness summons or order a person to give testimony or produce documents in an out-of-state proceeding concerning “legally-protected health care activity.”<sup>3</sup> Additionally, a business entity that operates in Massachusetts and provides electronic communications services to individuals or businesses may not comply with a subpoena, warrant, or civil or criminal legal process for records, information, or assistance that the business entity knows relates to a Massachusetts individual or business in connection with “legally-protected health care activity,” except as required by federal law.<sup>4</sup>

## PROTECTION FROM PROFESSIONAL DISCIPLINE

### Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

The board may not subject health care providers to disciplinary action—including revocation, suspension, or cancellation of licensure, or censure or fine—based on providing or assisting reproductive or gender-affirming health care services lawful in Massachusetts, or based on another state’s criminal, civil, or disciplinary action resulting from health care services lawful in Massachusetts.<sup>5</sup>

### Protection against Adverse Actions related to Attorneys Representing Individuals

No attorney licensed in Massachusetts may be subject to discipline for representing or advising an individual regarding reproductive or gender-affirming health care services lawful in Massachusetts, if the sole reason for discipline is because such care is unlawful in another state or another state’s laws create actual or potential liability, or allow for professional discipline, related to offering, receiving, or providing reproductive or gender-affirming health care services that are lawful in Massachusetts.<sup>6</sup> However, the attorney’s conduct must otherwise comply with the laws of Massachusetts.<sup>7</sup>

<sup>2</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 276, § 13).

<sup>3</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 223A, § 11, Mass. Gen. Laws ch. 233, § 13A).

<sup>4</sup> S.2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 93, § 115(b)).

<sup>5</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 112, § 5F1/2, Mass. Gen. Laws ch. 112, § 77, Mass. Gen. Laws ch. 112, § 128).

Additionally, the board may not make publicly available a physician’s record of legal or disciplinary board action if based on the provision or assistance in health care services that would have been lawful in Massachusetts. Mass. Gen. Laws ch. 112, § 5F12.

<sup>6</sup> S.2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 221, § 40A).

<sup>7</sup> Id.

## PROTECTION AGAINST CIVIL LIABILITY

### Protection against Application or Enforcement of Another State's Laws or Judgments in Massachusetts State Court

Massachusetts courts must apply Massachusetts law to any case or controversy related to reproductive and gender-affirming health care services.<sup>8</sup> Massachusetts courts may not give any force or effect to another state's judgment related to "legally-protected health care activity," if issued without jurisdiction.<sup>9</sup> Massachusetts courts are prohibited from admitting or considering cases of abuse, neglect, or maltreatment brought against a parent or guardian because they allowed their child to receive or seek gender-affirming health care services.<sup>10</sup>

### Provision of a "Clawback Lawsuit" to Recover Damages from Litigation related to Protected Care

A person who has been subject to abusive litigation—an action or litigation in another state where liability is based on "legally protected health care activity" and any act occurred in Massachusetts—may sue to recover damages in the amount of the judgment entered against them and related expenses.<sup>11</sup>

## PROTECTION OF PROFESSIONAL LIABILITY INSURANCE

### Protection against an Insurer's Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

A medical malpractice insurer, or an insurance company that offers for sale any policy of insurance, may not discriminate against a provider or nonprofit organization or adjust their premium charges on the basis that the health care provider or nonprofit organization offers reproductive or gender-affirming health care services that are unlawful in another state, or a judgment was issued against the provider for providing reproductive or gender-affirming health care services lawful in Massachusetts.<sup>12</sup>

## PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO REPRODUCTIVE OR GENDER AFFIRMING CARE

### Protection of Practitioners' or Patients' Personal Information

Except as required by federal law, a provider may request that the label for a controlled substance prescribed for reproductive or gender-affirming health care services state the name of the health care

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<sup>8</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 12, § 11I 3/4).

<sup>9</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 218, § 4A).

<sup>10</sup> S.2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 209B, § 15(b)).

<sup>11</sup> HB 5090 (Mass. 2022) (Mass. Gen. Laws ch. 12, § 11I 1/2).

<sup>12</sup> S. 2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 175, § § 193U; 193V)

practice instead of the name of the prescribing practitioner.<sup>13</sup> The commissioner of public health may not collect, maintain, use, disclose, or disseminate surveillance data or personally identifiable data on abortions or gender-affirming health care services provided in Massachusetts. Personal information such as name, home address, personal email address, and telephone number of individuals who assist, engage, or promote reproductive or gender-affirming health care services shall not be considered public record.<sup>14</sup>

Further, the state's prescription drug monitoring program (PDMP), which monitors the prescribing and dispensing of controlled substances, will exclude medications specifically prescribed for reproductive health care services and gender-affirming health care services unless necessary to protect public health.<sup>15</sup> Additionally, except as required by federal law, the department of public health will not provide federal law enforcement or local law enforcement, private citizens, or quasi-law enforcement agents with disaggregated data or individually identifiable data from the PDMP if related to an investigation or inquiry into reproductive or gender-affirming health care services lawful in Massachusetts.<sup>16</sup>

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<sup>13</sup> S. 2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 94C, § 22(d)).

<sup>14</sup> S. 2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 112, §§ 12Q, § 12Q1/2).

<sup>15</sup> S. 2538 (Mass. 2025) (To be codified at Mass. Gen. Laws ch. 94C, § 24A).

<sup>16</sup> *Id.* at § 24A(n).

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## ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

### For more information

[law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy](https://law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy)

[crhlp@law.ucla.edu](mailto:crhlp@law.ucla.edu)

To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: [larj@law.ucla.edu](mailto:larj@law.ucla.edu)