

HOUSE No. 1966

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring access to addiction services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/19/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/20/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/2/2023</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/3/2023</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/6/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/10/2023</i>
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>2/10/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/10/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>2/13/2023</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/14/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/17/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/17/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/17/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/6/2023</i>

HOUSE No. 1966

By Representative Balsler of Newton, a petition (accompanied by bill, House, No. 1966) of Ruth B. Balsler and others relative to access to addiction services. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act ensuring access to addiction services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 35 of Chapter 123 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out the definition of “facility,” and inserting in
3 place thereof the following definition:-

4 "Facility", a public or private facility that provides care and treatment for a person with an
5 alcohol or substance use disorder. For the purpose of this section, a "facility" or "secure facility"
6 shall not include any jail or correctional facility or any other facility funded, controlled, or
7 administered by a county sheriff, the Executive Office of Public Safety and Security (EOPSS), or
8 any agency under EOPSS' jurisdiction.

9 SECTION 2: Section 35 of Chapter 123 of the General Laws, as appearing in the 2020
10 Official Edition, is hereby amended by striking out, in lines 74 to 104, inclusive, the words “If
11 the department of public health” through “treating persons on a voluntary basis,” and inserting in
12 place thereof the following:-

13 The Secretary of Health and Human Services shall ensure an adequate supply of beds for
14 the treatment of alcohol or substance use disorders at facilities licensed or approved by the
15 Department of Public Health or the Department of Mental Health for persons ordered to be
16 committed under M.G.L. c. 123, s. 35.

17 If the court makes a specific finding that the only appropriate setting for treatment for the
18 person is a secure facility, then the person may be committed to a secure facility licensed or
19 approved by the Department of Public Health or the Department of Mental Health; provided
20 further, that such secure facilities licensed or approved by the Department of Public Health or the
21 Department of Mental Health shall be geographically distributed throughout the Commonwealth
22 so as to provide access to treatment in all regions of Massachusetts.

23 A person committed under this section shall, upon release, be encouraged to consent to
24 further treatment and shall be allowed voluntarily to remain in the facility for such purpose. The
25 department of public health shall maintain a roster of public and private facilities available,
26 together with the number of beds currently available and the level of security at each facility, for
27 the care and treatment of alcohol use disorder and substance use disorder and shall make the
28 roster available to the trial court.

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