

HOUSE No. 3607

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 relative to the welfare of children.

PETITION OF:

NAME:

Bruce J. Ayers

DISTRICT/ADDRESS:

1st Norfolk

HOUSE No. 3607

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 3607) of Bruce J. Ayers that the Norfolk Sheriff’s department be authorized to establish a pilot program to provide drug testing services to parents or legal guardians of minor children suspected of illegally using controlled substances. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the welfare of children.

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. Notwithstanding section 6D of chapter 29 of the General Laws, to establish
2 a pilot program for free drug testing and assistance with counseling and rehabilitative services by
3 the Norfolk Sheriff’s department, the sum set forth in section 2 is hereby appropriated from the
4 General Fund to the Norfolk County Sheriff’s department.

5 SECTION 2.

6 Executive Office of Public Safety and Security

7 Norfolk Sheriff’s Department

8 8910-XXXX For the Norfolk County Sheriff’s department to establish a pilot program
9 for free access to drug testing for parents of minor children, and financial assistance with
10 counseling and rehabilitative services pursuant to section 3 of this act.....\$500,000.

11 SECTION 3. The Norfolk Sheriff’s department, hereinafter the department, shall
12 establish a pilot program to provide drug testing services to parents or legal guardians of a minor
13 child who suspect that their minor child may be illegally using controlled substances, and to
14 provide financial assistance towards the cost of counseling and rehabilitative and services to
15 persons who are unable to afford such programs, at the office of community corrections in
16 Quincy, 1 or more days per week.

17 The drug tests shall be conducted as a urinalysis with results available in 24 to 48 hours
18 from the time of the administration of the test, and shall be administered privately by department
19 staff or other designated persons working with the department, who are qualified to administer
20 such tests.

21 The department may, at the Sheriff’s discretion, offer counseling and rehabilitative
22 services to minors whose results of the drug test are positive, and may provide financial
23 assistance towards the costs of such services for minors and families who cannot afford such
24 services. The department shall develop policies and procedures for providing or recommending
25 such services, including a list of counseling and rehabilitative service providers, and for
26 providing financial assistance, including the establishment of an application process for financial
27 assistance to cover the cost of such counseling and rehabilitative services for minors or families
28 who cannot afford the costs of such services.

29 The Sheriff’s department shall routinely destroy all records of test results obtained
30 through the program and retained by the program staff every 30 days. Results of the drug tests
31 administered pursuant to this pilot program shall remain confidential, and shall only be provided
32 to the minor and their authorized parent or legal guardian; provided, however, that with the

33 consent of the minor, the department may provide the test results to a counseling or rehabilitative
34 services center, if such minor requests to participate in such services. No information obtained
35 during the course of administering a drug test under this pilot program, and no drug test results
36 shall be used in a criminal prosecution or investigation against the minor subject to such test.
37 Prior to administering the drug test, the staff administering the test shall obtain, in writing, the
38 minor's informed consent, consenting to the administration of the drug test, which shall include a
39 statement of the terms of the test and the confidentiality of the test results as described herein,
40 and consenting to the sharing of the drug test results with a specifically authorized parent or legal
41 guardian.