

HOUSE No. 4873

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 15, 2022.

The committee on Veterans and Federal Affairs to whom were referred the petition (accompanied by bill, House, No. 3643) of Daniel R. Carey and others relative to the federal Open Burn Pit Registry and exposure of veterans and service members to certain airborne hazards, the petition (accompanied by bill, House, No. 3667) of Steven S. Howitt and others for legislation to require funeral directors to make available to potential clients information regarding funeral and burial benefits for veterans, the petition (accompanied by bill, House, No. 3672) of Meghan Kilcoyne and others relative to the Massachusetts National Guard family education program, the petition (accompanied by bill, House, No. 3680) of Paul McMurtry and others relative to the publishing of the names of veterans on certain municipal tax lists, the petition (accompanied by bill, House, No. 3674) of Michael P. Kushmerek and others for legislation to require funeral directors to make available to potential clients information regarding funeral and burial benefits for veterans, and the petition (accompanied by resolve, House, No. 3698) of David T. Vieira, Linda Dean Campbell and others for an investigation by a special commission (including members of the General Court) relative to a suitable memorial to commemorate Deborah Sampson, reports recommending that the accompanying bill (House, No. 4873) ought to pass.

For the committee,

PAUL MCMURTRY.

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The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to veteran health, opportunity, notification, observance and respect.

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. Chapter 111 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 243. (a) The commissioner of public health, in consultation with the
4 commissioner of veterans' services and the adjutant general of the Massachusetts national guard,
5 shall develop written educational materials that provide information about health effects
6 associated with chemicals identified at open burn pits in overseas military deployments,
7 including, but not limited to: (i) symptoms associated with exposure to open burn pits during
8 overseas military deployment; (ii) information regarding the U.S. Department of Veterans
9 Affairs' Airborne Hazards and Open Burn Pit Registry and resources that can assist with the
10 registration process; (iii) information regarding the eligibility requirements for participation in
11 the Registry, including deployment locations and dates; (iv) information on participation in the
12 Registry and resources that can provide assistance with the registration process; and (v) contact
13 information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit
14 Registry. The commissioner, in consultation with appropriate professional licensing boards and

15 professional membership associations, shall ensure the information is made available to all
16 appropriate licensed health care providers in Massachusetts.

17 (b) The commissioner, in consultation with the commissioner of veterans'
18 services and the adjutant general of the Massachusetts national guard shall: (i) monitor the most
19 current published epidemiological studies and recommendations arising as a requirement of 38
20 U.S.C. 527, as well as developments in the study and treatment of conditions associated with
21 exposure to toxic airborne chemicals and fumes caused by open burn pits; and (ii) keep record of
22 self-identifying service members and veterans who have been exposed to burn pits, that shall
23 include the name, address, electronic address, phone number, location and period of service, and
24 other information as deemed necessary. Such information shall be used only for the purposes of
25 communicating information about exposure to toxic airborne chemicals and fumes caused by
26 open burn pits to service members and veterans. The database, materials or other information
27 shall be confidential and privileged, shall not be subject to chapter 66, or clause Twenty-sixth of
28 section 7 of chapter 4 and shall not be subject to subpoena, discovery or introduction into
29 evidence in any private civil action.

30 (c) On or before January 1, 2023, the commissioner, in coordination with the
31 commissioner of veterans' services and the adjutant general of the Massachusetts national guard
32 shall prepare an informational pamphlet regarding the health effects of exposure to open burn
33 pits and how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and
34 Open Burn Pit Registry and resources that can provide assistance with the registration process
35 for distribution by the commissioner of veterans services and the adjutant general of the
36 Massachusetts national guard. The informational pamphlet shall be distributed to all
37 organizations the commissioner of veterans' services and adjutant general of the Massachusetts

38 national guard see fit, including but not limited to, veteran service offices throughout the
39 commonwealth and veteran organizations. Veteran service officers shall receive training to assist
40 with the implementation of this section.

41 (d) The informational pamphlet required in subsection (c) of section 243 of
42 chapter 111 of the General Laws shall be made available on the department of public health's
43 website once this bill is adopted into law.

44

45 SECTION 2. Chapter 115 of the General Laws is hereby amended by adding the
46 following section:-

47 Section 16. (a) The commissioner of veterans' services, the commissioner of
48 public health and the adjutant general of the Massachusetts national guard, shall collaborate to
49 contact all members of the Massachusetts national guard and all known veterans and members of
50 the U.S. Armed Forces residing in Massachusetts who may be eligible to participate in the U.S.
51 Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. The
52 commissioner of veterans' services, the commissioner of public health and the adjutant general
53 of the Massachusetts national guard shall develop and execute a plan that ensures contact with
54 members of the Massachusetts national guard and veterans or members of the U.S. Armed
55 Forces residing in Massachusetts who may have served in the following: (i) Operation Enduring
56 Freedom, Operation Iraqi Freedom, or Operation New Dawn; (ii) Djibouti, Africa, on or after
57 September 11, 2001; (iii) Afghanistan, on or after September 11, 2001; (iv) Operation Desert
58 Shield or Operation Desert Storm; or (v) in the Southwest Asia theater of operations on or after
59 August 2, 1990.

60 (b) Veterans or service members contacted shall be encouraged to join the
61 Registry and shall be provided with: (i) contact information for the U.S. Department of Veterans
62 Affairs' Airborne Hazards and Open Burn Pit Registry; and (ii) a copy of the pamphlet created
63 by the commissioner of public health pursuant to subsection (c) of section 243 of chapter 111.

64 (c) Notwithstanding any general or special law to the contrary, on or before September 1,
65 2022, the adjutant general of the national guard and the commissioner of veterans' services shall
66 encourage the U.S. Department of Veterans Affairs to enhance and simplify the registration
67 process for the Airborne Hazards and Open Burn Pit Registry by providing for: (i) identification
68 verification for DS Logon Level 2 access to be made available at U.S. Department of Veterans
69 Affairs' community-based outpatient clinics throughout Massachusetts; (ii) the creation of a
70 paper registration option; and (iii) the creation of a process for deceased veterans' family
71 members to participate in the Registry on behalf of said veteran.

72 (d) On or before October 1, 2022, the adjutant general of the national guard shall
73 request that the periodic health assessment for members of the Massachusetts national guard to
74 determine whether the guard member was deployed to a location that would make him or her
75 eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open
76 Burn Pit Registry, and whether the guard member was exposed to open burn pits during his or
77 her deployment to said location.

78 (e) On or before October 1, 2022, the adjutant general shall request that any
79 member of the Massachusetts national guard who during his or her periodic health assessment is
80 identified as having been potentially exposed to open burn pits during a deployment is

81 automatically registered to participate in the U.S. Department of Veterans Affairs' Airborne
82 Hazard and Open Burn Pit Registry.

83

84

85 SECTION 3. Chapter 33 of the General Laws, as so appearing, is hereby amended by
86 inserting the following section:-

87 Section 137A. (a)The Massachusetts National Guard family education program
88 (NGFEP) shall be an extension of the National Guard Education Assistance Program as outlined
89 in Section 137, to include dependents of Massachusetts Guard members when requirements are
90 met as specified.

91 (b) National Guard members may split their state sponsored 130 credit tuition and fee
92 waiver between dependents. For the purpose of this section, dependents are defined as immediate
93 family members enrolled in the Defense Enrollment Eligibility Reporting System (DEERS).

94 (c) The program shall be administered by the Military Division which will maintain a
95 record of tuition and fee credit total, not to exceed 130 total credits per service member. The
96 Military Division may issue a certificate of exemption from the matriculation fee and tuition to
97 specified dependents of the Massachusetts Army or Air National Guard members enrolled at any
98 state institution, in a program the cost of which is borne by the commonwealth, and who are
99 qualified as provided in this section. Identified dependents must use their specified credit
100 allotment within ten years of service member separation or by the age of 26, whichever date is
101 later.

102 (d) To receive benefits from the program, the member must extend their current
103 service obligation or reenlist for NGFEP benefits after completing their initial 6-year military
104 service obligation to the Massachusetts National Guard. In order to be eligible, the
105 Massachusetts National Guard member must: (i) be eligible to serve an additional 6-year
106 enlistment from the date of extension or reenlistment; (ii) be in good standing and a satisfactory
107 participant in the Massachusetts National Guard; and (iii) have not previously used their 130
108 semester credit state tuition waiver.

109 (e) No combination of member and/or dependents shall receive benefits in excess of 130
110 semester credit hours total.

111 (f) Enrollment of a dependent in a course at any such institution shall be dependent on the
112 availability of seats. For the purposes of this section, "availability of seats" is defined as
113 vacancies that exist in a course after the enrollment of all tuition-paying students, and all students
114 who are enrolled under any scholarship or tuition waiver provisions.

115

116 SECTION 4. Chapter 6 of the General Laws, as so appearing, is hereby amended by
117 inserting after section 15MMMMMM the following 4 sections:-

118 Section 15NNNNNNN. The governor shall annually set apart June 14, the
119 anniversary of the founding of the United States Army, in recognition of the distinguished
120 patriotic services rendered by that organization, and by the citizens of the commonwealth who so
121 gallantly served, and issue a proclamation recommending that the day be observed by the people
122 in the display of the flag and in appropriate public exercises, commemorative of the services and

123 sacrifices of the citizens of the commonwealth who have served and continue to serve in the
124 defense of the United States.

125 Section 15OOOOOO. The governor shall annually set apart September 18, the
126 anniversary of the founding of the United States Air Force, in recognition of its distinguished
127 history of service as a projector of American air power in support in defense of the Nation, and
128 by the citizens of the commonwealth who so gallantly served, and issue a proclamation
129 recommending that the day be observed by the people in the display of the flag and in
130 appropriate public exercises, commemorative of the services and sacrifices of the citizens of the
131 commonwealth who have served and continue to serve in the defense of the United States.

132 Section 15PPPPPP. The governor shall annually set apart December 13, the anniversary
133 of the founding of the National Guard, in recognition of its role as an operational reserve of the
134 United States Army and Air Force, providing ready, well equipped personnel and equipment to
135 support the federal military mission when called upon by the President and the governor of the
136 commonwealth to respond to domestic emergencies, and by the citizen soldiers and airmen of the
137 commonwealth who have unfailingly answered the call of duty, issue a proclamation
138 recommending that the day be observed by the people in the display of the flag and in
139 appropriate public exercises, commemorative of the services and sacrifices of the citizens of the
140 commonwealth who have served and continue to serve in the defense of the United States.

141 Section 15QQQQQQ. The governor shall annually set apart August 4, the
142 anniversary of the founding of the United States Coast Guard, in recognition of its distinguished
143 history and seagoing service, and issue a proclamation recommending that the day be observed
144 by the people in the display of the flag and in appropriate public exercises, commemorative of

145 the services and sacrifices of the citizens of the commonwealth who have served and continue to
146 serve in the defense of the United States.

147

148 SECTION XX. Chapter 60 of the General Laws, as so appearing, is hereby amended by
149 inserting after section 35 the following section:-

150 Section 35A. (a) No municipality shall publish or cause to be published the name,
151 or other individually identifying information, of a veteran still owing a tax pursuant to this
152 chapter after it has become due and payable.

153 (b) A municipality may communicate through the municipality's veteran service
154 officer in order to provide notice and information related to a tax due and payable under this
155 chapter to the veteran owing such tax.

156

157

158 SECTION 5. Chapter 112 of the General Laws, as so appearing, is hereby amended by
159 inserting after section 84C the following section:-

160 Section 84D. Every licensed funeral director, or his or her agent or servant, before
161 an agreement as to the price of the merchandise and service is made, shall make available to all
162 potential clients information regarding funeral and burial benefits for veterans as set forth in
163 section 7 and 8 of chapter 115 and shall give or cause to be given to a client, a written statement
164 verifying that the funeral director, or his or her agent or servant, make such information available
165 to the potential client. The written statement shall be signed by the funeral director, or his or her

166 agent or servant, and the potential client before an agreement as to the price of the merchandise
167 and service is made. A funeral director who fails to comply with this section shall be punished by
168 a fine of not more than \$1,000.

169

170 SECTION 6. Chapter 23K of the General Laws is hereby amended by inserting after
171 section 20 the following section:-

172 Section 20A. (a) As used in this section, the following words shall, unless the context
173 clearly requires otherwise, have the following meanings:

174 “Limited slot machine establishment”, the premises owned or leased by a veterans’
175 organization for use by its members in good standing.

176 “Limited slot machine license”, a gaming license issued by the commission that permits a
177 veterans’ organization to operate a gaming establishment with no table games and not more than
178 5 slot machines at a limited slot machine establishment.

179 “Limited slot machine licensee”, a veterans’ organization that holds a limited slot
180 machine license for its limited slot machine establishment.

181 “Local licensing authority”, the local licensing authority in the city or town in which the
182 limited slot machine establishment is located.

183 “Veterans’ organization”, any veterans’ organization that is: (i) incorporated by the
184 Congress of the United States and (ii) included in section 4E of chapter 9.

185 (b) The commission may issue a limited slot machine license to veterans' organizations
186 in the commonwealth.

187 A limited slot machine license shall only be issued to a veterans' organization that: (i) has
188 been organized and actively functioning as a veterans' organization for not less than 5 years prior
189 to being issued a license; (ii) has received the approval of the local licensing authority; and (iii)
190 has been deemed suitable and qualified pursuant to regulations adopted by the commission
191 pursuant to subsection (l).

192 No limited slot machine license issued to a veterans' organization pursuant to this section
193 shall be transferred or assigned.

194 (c) A limited slot machine license issued by the commission pursuant to this section may
195 be suspended or revoked at the discretion of the commission or upon written request to the
196 commission by the local licensing authority. The suspension or revocation of a license issued
197 pursuant to this section may be appealed by the limited slot machine licensee to the full
198 commission, and the commission shall hear the appeal on the record. The decision rendered by
199 the commission after the hearing shall be final and the licensee shall not be entitled to further
200 review; provided, however, that in the case of a license revocation, the licensee shall be entitled
201 to reapply for a license not less than 5 years from the date in which the final decision of the
202 commission was issued.

203 (d) A limited slot machine licensee shall limit the promotion and operation of, and access
204 to, slot machines to members in good standing of the veterans' organization; provided, that no
205 member of the veterans' organization holding a limited slot machine license shall receive
206 remuneration in any form for time or effort devoted to the promotion or operation of the slot

207 machines. No member of the general public shall be permitted access to any slot machine in a
208 limited slot machine establishment.

209 (e) The profits of any slot machines shall be the property of the limited slot machine
210 licensee, and shall be used for charitable, fraternal or civic purposes, including, but not limited
211 to, veterans' benefits.

212 (f) A limited slot machine license issued pursuant to this section shall be valid for a
213 period of 5 years. The commission shall establish procedures for application and renewal and
214 may establish a fee for application or renewal not to exceed \$500. Application and renewal fees
215 shall be deposited into the Gaming Revenue Fund established in section 59.

216 (g) Each licensee shall keep accurate records and books showing: (i) the total amount of
217 all monies deposited by members in good standing of the veterans' organization who played the
218 slot machines located in the limited slot machine establishment; (ii) the expenses incurred; and
219 (iii) the name and address of each person receiving greater than \$100 in winnings in a 24-hour
220 period. A separate checking account shall be kept of receipts and expenditures. Money for
221 expenses shall be withdrawn only by checks having preprinted consecutive numbers and made
222 payable to a specific person or corporation. No check shall be made payable to cash. All monies
223 expended for said charitable, fraternal or civic purposes shall be duly and accurately recorded as
224 to specific amounts expended and the purposes for which said amounts were expended. Proceeds
225 from the operation of the slot machines shall be kept in a separate bank account and the licensee
226 shall file an annual report on or before December 31 of each year of the charitable, fraternal and
227 civic disbursements made during the preceding year with the commission and the local licensing
228 authority in such form as the commission may prescribe. Such annual report shall be a public

229 record. The commission and the local licensing authority, or their duly authorized agents or
230 representatives, shall at all times have access to the limited slot machine establishment, as well
231 as the records and books of any licensee for the purpose of examining and checking the same.

232 (h) Each licensee shall file a return with the commission, on a form prepared by the
233 commission, and shall pay therewith a tax of 5 per cent of the gross profits derived from the slot
234 machines located in the limited slot machine establishment, which shall be deposited into the
235 Gaming Revenue Fund established in section 59.

236 (i) No person under 21 years of age shall be permitted in that portion of any building or
237 premises of the licensee during such time as a slot machine is being played.

238 (j) A limited slot machine establishment shall keep conspicuously posted on their
239 premises a notice containing the following statement: "If you or someone you know has a
240 gambling problem and wants help, call the Massachusetts Council on Gaming and Health on the
241 Safer Gaming Education Line at 1-800-426-1234 or the Massachusetts Department of Public
242 Health helpline at 1-800-327-5050."

243 (k) Limited slot machine licensees shall only acquire slot machines from a person
244 licensed as a gaming vendor under section 31.

245 (l) The commission shall, consistent with the public objectives of this chapter established
246 in section 1, promulgate regulations for the implementation, administration and enforcement of
247 this section including, without limitation, regulations that prescribe: (i) the method and form of
248 application which an applicant for licensure shall follow and complete before consideration by
249 the commission; (ii) the information to be furnished by an applicant for a limited slot machine
250 license or for the renewal of a limited slot machine license; (iii) suitability standards for

251 applicants for licensure pursuant to this section; (iv) the criteria for evaluation of the application
252 for a limited slot machine license and qualifications for licensure pursuant to this section; (v) the
253 information to be furnished by a veterans' organization relating to the members of the veterans'
254 organization tasked with managing the slot machines; (vi) criteria for eligibility for licensure
255 under this section; (vii) conditions on the operation and control of a limited slot machine
256 establishment; and (viii) grounds and procedures for the revocation or suspension of a limited
257 slot machine license.

258

259 SECTION 7. Chapter 75 of the General Laws is hereby amended by inserting after
260 section 34A the following section:-

261 Section 34B. (a) Unless otherwise prohibited by any general or special law to the
262 contrary, the University of Massachusetts medical school shall develop a continuing education
263 program for clinical and non-clinical counselors serving institutions within the system of public
264 institutions of higher education established pursuant to section 5 of chapter 15A. The program
265 shall include education on the following subjects: (i) military culture and its influence on service
266 member and veteran psychology; (ii) deployment cycle stressors as they impact campus life for
267 students who are service members and veterans; (iii) outreach strategies for administrative, non-
268 clinical and clinical services; (iv) symptoms of depression, suicide, deployment-related,
269 insomnia, substance use, and post-traumatic stress disorder; and (v) available resources and
270 methods of referral.

271 (b) The University of Massachusetts medical school shall: (i) develop the continuing
272 education program, including the curriculum thereof, required by section 34B of chapter 75 of

273 the General Laws within 180 days after passage of this act; and (ii) conduct training for clinical
274 and non-clinical counselors serving institutions within the Commonwealth's public institution of
275 higher education within 545 days after passage of this act.

276

277 SECTION 8. Resolved, that there shall be a special commission to investigate and report
278 on a suitable memorial to be erected to commemorate Deborah Samson, the official heroine of
279 the commonwealth.

280 The special commission shall: (i) promote public support for and education on the
281 importance of Deborah Samson to the War of Independence; (ii) identify a location for a suitable
282 memorial for Deborah Samson; and (iii) evaluate the public and private resources available to
283 erect and maintain the suitable memorial.

284 The commission shall consist of: the house and senate chairs of the joint committee on
285 veterans and federal affairs, who shall serve as co-chairs; 2 additional members of the house of
286 representatives, 1 of whom shall be appointed by the minority leader of the house; 2 additional
287 members of the senate, 1 of whom shall be appointed by the minority leader of the senate; the
288 commissioner of veterans' services or a designee; the adjutant general of the commonwealth or a
289 designee; and 7 members to be appointed by the governor, 1 of whom shall be a female veteran,
290 1 of whom shall be a representative of the women veterans' network in the department of
291 veterans' services, 1 of whom shall be a representative of the advisory committee on women
292 veterans established under section 2 of chapter 115 of the General Laws, 1 of whom shall be a
293 representative of the Department of Massachusetts Veterans of Foreign Wars of The United
294 States, Inc., 1 of whom shall be a representative of The American Legion, Department of

295 Massachusetts Inc., 1 of whom shall be a representative of the AMVETS Department of
296 Massachusetts Service Foundation, Incorp. and 1 of whom shall be a representative of Disabled
297 American Veterans, Department of Massachusetts, Inc.

298 The commission shall submit a report of its investigation and recommendations,
299 including any drafts of legislation necessary to implement its recommendations, to the clerks of
300 the house of representatives and senate not later than 183 days following enactment of this
301 resolve.

302

303

304 SECTION 9. Chapter 115 of the General Laws is hereby amended by inserting after
305 section 15 the following section:-

306 Section 16. (a) There shall be a veteran equality review board to ensure veterans
307 dishonorably discharged due to sexual orientation under 10 U.S. Code § 654, also known as the
308 don't ask, don't tell policy, receive state-based veteran benefits. The board shall consist of 5
309 voting members who, by education or experience, are knowledgeable of veterans benefits and
310 programs and have demonstrated interest in veteran affairs. A majority of the members shall be
311 veterans. 2 members shall be appointed by the Secretary of Veterans' Services, 1 member shall
312 be appointed by the Governor, 1 member shall be appointed by the Senate President and 1
313 member shall be appointed by the speaker of the house of representatives. Members shall serve
314 for 5 years. The members shall vote to select a chair. A vacancy shall be filled for the balance of
315 the unexpired term in the same manner as the original appointment. duties. A majority of the
316 appointed and serving members of the board shall constitute a quorum of the board for the

317 transaction of business. An action of the board shall be approved by a majority vote of the
318 members present at a meeting where a quorum is present. The members of the board shall serve
319 without compensation.

320 (b) The board shall meet as often as deemed necessary by the chairperson based on the
321 number of applications pending before the board. The board shall review each application
322 submitted and render a recommendation to the secretary of veterans' services as to whether the
323 veteran's sexual orientation was the reason for an other than honorable discharge. The board shall
324 review each application not later than thirty days after receipt and render a written
325 recommendation to the secretary not later than thirty days after such review.

326 (c) A veteran who received a discharge that was not honorable and who believes such
327 discharge characterization was based on such veteran's sexual orientation may file an application
328 for state-based veteran benefits. Said veteran may include evidence supporting his or her claim
329 that such discharge characterization was based on the veteran's sexual orientation.

330 (d) The department of veterans' services shall promulgate a standardized application
331 form enumerating the required documentation necessary for filing an application under this
332 subsection and shall make such form available on the department of veterans' services web site
333 along with filing instructions.

334 (e) The secretary shall issue a written decision not later than ten days after receipt of the
335 board's recommendation, approving or denying the application. If the secretary approves the
336 application, such veteran shall be eligible for state-based veteran benefits.

337 (f) If the secretary's decision is unfavorable to the veteran, the veteran may file a request
338 for reconsideration not later than thirty days after receipt of the secretary's decision. The veteran
339 may provide additional documentation for their application.