

SENATE No. 2343

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 military personnel and medical records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/2/2023</i>

SENATE No. 2343

By Mr. Rush, a petition (accompanied by bill, Senate, No. 2343) of Michael F. Rush and Paul
McMurtry for legislation relative to military personnel and medical records. Veterans and
Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2422 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to military personnel and medical records.

*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 26 of Chapter 31 of the general laws is hereby amended by striking out the third
2 paragraph and inserting place in thereof the following:- The administrator may require any
3 disabled veteran to present a certificate of a physician, approved by the administrator, that his
4 disability is not such as to incapacitate him from the performance of the duties of the position for
5 which he is eligible. The cost of a physical examination of such veteran for the purpose of
6 obtaining such certificate shall be borne by the commonwealth. Notwithstanding the
7 administrator's right to require a physician's certificate in the case of a disabled veteran, an
8 appointing authority shall not require, request or accept an individual's military medical record or
9 military personnel service record for the purpose of employment; provided, however, that an
10 appointing authority may require, request or accept the individual's DD-214 form. An appointing

11 authority shall not impose a term or condition on an individual as a condition of obtaining or
12 retaining employment if compliance with the term or condition would require the individual to
13 present the individual's military medical record or military personnel service record as set forth
14 in this paragraph; provided, however, that an appointing authority may impose a term or
15 condition requiring the individual to present the individual's DD-214 form. Nothing in this
16 section shall prohibit an appointing authority to require military service records if the condition
17 stated on the individual's DD-214 form is other than honorable. This paragraph shall apply to all
18 civil and non-civil service municipalities' hiring authorities.