

**HOUSE . . . . . No. 3954**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Kay Khan, Sean Garballey**

*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 passage of the accompanying bill:

**An Act establishing the substance abuse health protection fund.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
Sean Garballey	23rd Middlesex
Katherine Clark	32nd Middlesex
David B. Sullivan	6th Bristol
Carl M. Sciortino, Jr.	34th Middlesex
Benjamin Swan	11th Hampden
Timothy J. Toomey, Jr.	26th Middlesex
Ellen Story	3rd Hampshire
Gloria L. Fox	7th Suffolk
Ruth B. Balser	12th Middlesex
Cory Atkins	14th Middlesex
Brian P. Wallace	4th Suffolk
William N. Brownsberger	24th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Mary E. Grant	6th Essex
Byron Rushing	9th Suffolk
Michael J. Moran	18th Suffolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT ESTABLISHING THE SUBSTANCE ABUSE HEALTH PROTECTION FUND.

*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.** Subsection (g) of Section 6 of Chapter 64H of the General Laws, as appearing in  
2 the 2006 Official Edition, is hereby amended by striking out, in line 72, the following words: - “and one  
3 hundred and thirty-eight”.

4           **SECTION 2.** Chapter 10 of the General Laws, as so appearing, is hereby amended by inserting  
5 after section 35BB the new following section:-

6           Section 35CC. There shall be established and set up on the books of the commonwealth a  
7 separate fund to be known as the substance abuse health protection fund. There shall be credited to said  
8 fund all amounts collected under Sections 2 and 6(h) of Chapter 64H from the sale of alcoholic beverages  
9 that are not considered to be sales of meals, together with any penalties, forfeitures, interest, costs of suits  
10 and fines collected in connection therewith, less all amounts refunded or abated in connection therewith,  
11 all as determined by the commissioner of revenue according to his best information and belief; any  
12 appropriation, grant, gift, or other contribution explicitly made to aid fund; and any income derived from  
13 the investment of amounts credited to said fund; 50 per cent of the amounts credited to such fund shall be  
14 expended without further appropriation, by the department of public health to provide funding, or  
15 supplement existing levels of funding, for the following purposes:-

- 16           (a) For a comprehensive substance abuse treatment program, to be administered by the  
17 department of public health, for the treatment of individuals who are dependent on or  
18 addicted to alcohol or controlled substances, and who lack public or private health  
19 insurance that would provide coverage for such treatment.
- 20           (b) Subject to the approval of the department of public health, for comprehensive school  
21 health education programs to be administered by the department of education; provided  
22 that such programs shall incorporate information relating to the hazards of alcohol and  
23 controlled substance use; and
- 24           (c) Subject to the approval of the department of public health, for substance abuse treatment  
25 programs administered by the office of community corrections, the department of  
26 corrections, the department of social services, the department of youth services, and the  
27 office of the commissioner of probation;

28 (d) For community and workplace-based and community substance abuse prevention and  
29 drinking cessation programs, for substance abuse-related public service advertising and  
30 for drug and alcohol education program, to be administered by the department of public  
31 health.

32 The commissioner of public health shall annually file a report with the house and senate committees  
33 on ways and means and the joint committee on public health detailing the activity of the fund.

34 The remaining 50 per cent of such amounts shall be expended without further appropriation by the  
35 department of education for the purposes of chapter 70.