

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

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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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  
2 appearing in the 2006 Official Edition, is hereby amended by striking out, in line 72, the  
3 following words:- “and one hundred and thirty-eight”.

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

6 Section 35CC. There shall be established and set up on the books of the commonwealth  
7 a separate fund to be known as the substance abuse health protection fund. There shall be  
8 credited to said fund all amounts collected under Sections 2 and 6(h) of Chapter 64H from the  
9 sale of alcoholic beverages that are not considered to be sales of meals, together with any  
10 penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all  
11 amounts refunded or abated in connection therewith, all as determined by the commissioner of  
12 revenue according to his best information and belief; any appropriation, grant, gift, or other  
13 contribution explicitly made to aid fund; and any income derived from the investment of  
14 amounts credited to said fund; 50 per cent of the amounts credited to such fund shall be

15 expended without further appropriation, by the department of public health to provide funding,  
16 or supplement existing levels of funding, for the following purposes:-

17           For a comprehensive substance abuse treatment program, to be administered by the  
18 department of public health, for the treatment of individuals who are dependent on or addicted to  
19 alcohol or controlled substances, and who lack public or private health insurance that would  
20 provide coverage for such treatment.

21           Subject to the approval of the department of public health, for comprehensive school  
22 health education programs to be administered by the department of education; provided that such  
23 programs shall incorporate information relating to the hazards of alcohol and controlled  
24 substance use; and

25           Subject to the approval of the department of public health, for substance abuse treatment  
26 programs administered by the office of community corrections, the department of corrections,  
27 the department of social services, the department of youth services, and the office of the  
28 commissioner of probation;

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

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

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