

SENATE No. 576

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to the Determination of Need for Independently Licensed/Commercial Laboratories ..

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 is hereby amended by inserting after
2 section 53G, as added by section 11 of chapter 305 of the acts of 2008, the following new
3 section: -

4 “Section 53H. Notwithstanding any general or special law or regulation to the contrary,
5 no original license shall be issued to establish a clinical laboratory unless there is a determination
6 by the department that there is a need for such facility. The department shall promulgate
7 regulations to implement this section, including with respect to grandfathering of existing
8 facilities.”

9 SECTION 2. Section 25B of said chapter 111 is hereby further amended by inserting
10 within the definition of "Expenditure minimum with respect to substantial capital expenditures",
11 after the clause “other than ambulatory surgery,” the following:-

12 “or other than expenditures with respect to an independently licensed clinical laboratory”.