

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 strengthening drug treatment programs for first-time opiate offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>10/26/2015</i>

HOUSE No.

By Mr. Golden of Lowell, a petition (subject to Joint Rule 12) of Thomas A. Golden, Jr. for legislation to strengthen drug treatment programs for first-time opiate offenders. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act strengthening drug treatment programs for first-time opiate offenders.

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. Section 17N of chapter 32A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “record”, in lines 30 and 31, the
3 following words:- ; provided, however, that all court ordered treatment pursuant to section 10 of
4 chapter 111E shall be considered medically necessary.

5 SECTION 2. Section 1 of chapter 111E of the General Laws, as so appearing, is hereby
6 amended by inserting after the word “meanings:-”, in line 3, the following words:-

7 “Addiction specialist”, a person with an MD, PhD, RN,LICSW or other professional
8 training who is certified by the bureau of substance abuse services as a licensed alcohol and drug
9 counselor.

10 SECTION 3. Said section 1 of said chapter 111E, as so appearing, is hereby further
11 amended by inserting after the definition of “First drug offense” the following definition:-

“First-time opiate offense”, a charge for possession of an opiate under section 34 of chapter 94C, when the person charged has not previously been convicted of any other drug offense, and has no continuances outstanding.

SECTION 4. Said section 1 of said chapter 111E, as so appearing, is hereby further amended by inserting after the definition of “Independent physician” the following definition:-

“Opiate”, any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts, dextromethorphan. It does include its racemic and levorotatory forms.

SECTION 5. Said section 1 of said chapter 111E, as so appearing, is hereby further amended by inserting after the definition of “Penal facility” the following definition:-

“Person at risk of becoming drug dependent”, a person who is not found to be at the level of a drug dependent person, but whose drug use puts them at risk for dependency, and who would benefit from early intervention.

SECTION 6. Section 10 of chapter 111E of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “within five days of being so informed” and inserting in place thereof the following words:- prior to appearing at trial.

SECTION 7. Said section 10 of said chapter 111E, as so appearing, is hereby further amended by inserting after the word “physician”, in line 19, the following words:- or addiction specialist.

SECTION 8. Said section 10 of said chapter 111E, as so appearing, is hereby further amended by striking out, in lines 23, 25, 31, 35, 93 and 104, the words “or physician” and inserting in place thereof the following words:- , physician or addiction specialist.

SECTION 9. Said section 10 of said chapter 111E, as so appearing, is hereby further amended by inserting after the ninth paragraph the following two paragraphs:-

A defendant charged with a first-time opiate offense found by the court to be a drug dependent person who requests treatment under this section shall be assigned to a treatment facility and shall be placed on probation for the length of the treatment program, to continue thereafter for a total of not less than 6 months, in lieu of prosecution. Said defendant shall also attend self-help group meetings relating to addiction on a regular basis, as determined by the probation officer, for the remainder of their time on probation, after the completion of a treatment program. The court proceedings shall be stayed for the length of the treatment program and probation, and the probation officer, working with the administrator, shall monitor the defendant’s compliance with the terms of their treatment.

If the court finds that a person charged with a first-time opiate offense is not a drug dependent person, but is a person at risk of becoming drug dependent, and if the defendant requests assignment, the court shall place the defendant on probation for a period not to exceed 3 months, and order the defendant to complete a 10-week psycho-educational treatment program on the risks of opiate abuse and addiction pursuant to section 10A, in lieu of prosecution. The probation officer shall require the defendant to attend not more than 2 self-help group meetings relating to addiction. The court proceedings shall be stayed for the length of the treatment

54 program and probation, and the officer, working with the administrator of the treatment program,
55 shall monitor the defendant's compliance with the terms of their treatment.

56 SECTION 10. Said section 10 of said chapter 111E, as so appearing, is hereby further
57 amended by inserting after the word "physician", in lines 99 and 125, the following words:- or
58 addiction specialist.

59 SECTION 11. Said section 10 of said chapter 111E, as so appearing, is hereby further
60 amended by adding the following paragraph:-

61 Any cost of treatment ordered pursuant to this section for persons not covered by a group
62 insurance plan pursuant to chapter 32A, MassHealth pursuant to chapter 118E, an individual or
63 group accident and sickness policy pursuant to chapter 175, an individual or group hospital
64 service plan pursuant to chapter 176A, an individual or group medical service agreement
65 pursuant to chapter 176B, or a group health maintenance contract pursuant to chapter 176G, shall
66 be borne by the commonwealth. Any person who is unable to afford the upfront cost of
67 treatment shall work with the court and the administrator to create a payment plan agreeable to
68 by all parties.

69 SECTION 12. Chapter 111E of the General Laws is hereby amended by inserting after
70 section 10, as so appearing, the following section:-

71 Section 10A. The bureau of substance abuse services shall establish and administer a 10-
72 week psycho-educational treatment program relative to opiate abuse and addiction, using an
73 evidence-based curriculum similar to that which is currently used in drug diversion programs
74 across the commonwealth.

75 In addition, the bureau shall prepare and publish annually a list of treatment facilities
76 providing treatment to defendants pursuant to a court order under section 10, and make such list
77 available to all courts of the commonwealth, the offices of the District Attorneys for each county
78 and probation departments, urgent care centers, local and state police departments, and interested
79 attorneys or members of the public upon request. Said list shall include, but not be limited to,
80 the following information:

- 81 (1) Name, location and contact information of such treatment centers;
- 82 (2) Treatment services and scope of such services offered;
- 83 (3) Eligibility requirements;
- 84 (4) Insurance and payment information, including any applicable facility fees;
- 85 (5) Last known capacity and availability, and
- 86 (6) Emergency treatment services offered.

87 SECTION 13. Section 10H of chapter 118E of the General Laws, as so appearing, is
88 hereby amended by inserting after the word “record”, in lines 47 and 48, the following words:- ;
89 provided, however, that all court ordered treatment pursuant to section 10 of chapter 111E shall
90 be considered medically necessary.

91 SECTION 14. Section 47GG of chapter 175 of the General Laws, as appearing in the
92 2014 Official Edition, is hereby amended by inserting after the word “record”, in lines 31-32, the
93 following words:- ; provided, however, that all court ordered treatment pursuant to section 10 of
94 chapter 111E shall be considered medically necessary.

95 SECTION 15. Section 8II of chapter 176A of the General Laws, as appearing in the
96 2014 Official Edition, is hereby amended by inserting after the word “record”, in lines 30-31, the
97 following words:- ; provided, however, that all court ordered treatment pursuant to section 10 of
98 chapter 111E shall be considered medically necessary.

99 SECTION 16. Section 4II of chapter 176B of the General Laws, as appearing in the 2014
100 Official Edition, is hereby amended by inserting after the word “record”, in lines 30-31, the
101 following words:- ; provided, however, that all court ordered treatment pursuant to section 10 of
102 chapter 111E shall be considered medically necessary.

103 SECTION 17. Section 4AA of chapter 176G of the General Laws, as appearing in the
104 2014 Official Edition, is hereby amended by inserting after the word “record”, in lines 29-30, the
105 following words:- ; provided, however, that all court ordered treatment pursuant to section 10 of
106 chapter 111E shall be considered medically necessary.