

SENATE No. 1097

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 to prevent adolescent substance use.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/2/2017</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/3/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/3/2017</i>

SENATE No. 1097

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1097) of Jennifer L. Flanagan, Marjorie C. Decker, Barbara A. L'Italien, James B. Eldridge and other members of the General Court for legislation to prevent adolescent substance use. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to prevent adolescent substance use.

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 64N of the General Laws is hereby amended by adding the
2 following section:-

3 Section 2XX. (a) The Department of Public Health shall establish an Adolescent
4 Substance Use Prevention and Early Intervention Trust Fund. On an annual basis, not less than
5 three percent of all sums released pursuant to the excise tax imposed on marijuana products by
6 Section 2 of Chapter 64N shall be credited to the fund, held in trust and used solely for the
7 purposes of preventing and reducing adolescent substance use and shall be available for
8 expenditure by the Commissioner of the Department of Public Health. These funds shall not be
9 used to replace existing funding allocated to state substance use prevention efforts but solely to
10 increase the total amount of expenditures to prevent and reduce adolescent substance use and its
11 harms.

12 (b) The funds directed to the trust fund pursuant to paragraph (a) shall be allocated by the
13 Commissioner, consistent with substance use prevention programmatic recommendations of the
14 Substance Abuse and Mental Health Service Administration and in consultation with the
15 oversight committee created pursuant to paragraph (c), to ensure the use of best practices in the
16 prevention and reduction of adolescent substance use and the identification and elimination of
17 disparities related to substance use among diverse population group.

18 (c) Within 90 days after this section goes into effect, an oversight committee of nine
19 members shall be established to assist the Commissioner in developing, implementing, and
20 maintaining a strategic plan for allocating the funds directed to the trust fund, pursuant to
21 paragraph (a), in monitoring and evaluating the use of the funds and all other state expenditures
22 to prevent and reduce adolescent substance use and its harms, and in assessing the efficacy of all
23 such expenditures to prevent and reduce adolescent substance use and its harms. Three members
24 of the oversight committee shall be appointed by the Governor, two by the majority leader of the
25 Senate, two by the majority leader of the House of Representatives, one by the minority leader
26 of the Senate, and one by the minority leader of the House of Representatives. The members of
27 the oversight committee shall have experience and expertise in public health, adolescent and
28 adult substance use prevention policies and programs, public education and counter-marketing,
29 and program oversight and evaluation. No member of the oversight committee shall, during the
30 member's tenure on the committee and for three years before joining the committee, receive any
31 salary, grants, or other payments or support from any business that manufactures, distributes,
32 markets, or sells marijuana or marijuana products or serve as a director, employee, or consultant
33 of any organization that receives grants or contributions from any such business or that provides
34 legal, lobbying, public relations, marketing, or advertising services to any such business. Each

35 member of the oversight committee shall also agree not to enter into any such financial or
36 business relationships with the marijuana industry for a period of two years after that member's
37 tenure on the oversight committee ends. The oversight committee shall annually provide a
38 publicly available report to the Governor, the Speaker of the House, the Senate President, the
39 Joint Committee on Mental Health and Substance Abuse, the Joint Committee on Children,
40 Families and Persons with Disabilities, the Joint Committee on Public Health, and the House and
41 Senate Clerks on marijuana use and its related harms the programming funded through the trust
42 fund established in paragraph (a), and related evaluation findings.

43 (d) The Department of Public Health shall have the authority to promulgate reasonable
44 rules to implement this section.