

HOUSE No. 4539

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 9, 2020.

The committee on Mental Health, Substance Use and Recovery, to whom was referred the petition (accompanied by bill, House, No. 3776) of Kay Khan and others for legislation to establish a substance abuse protection fund, reports recommending that the accompanying bill (House, No. 4539) ought to pass.

For the committee,

MARJORIE C. DECKER.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing a substance use 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. Section 6 of chapter 64H of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in line 97, the following words:- alcoholic
3 beverages as defined in chapter one hundred and thirty-eight except as hereinafter provided.

4 SECTION 2. Chapter 10 of the General Laws, as appearing in the 2018 Official Edition,
5 is hereby amended by inserting after section 35LLL the following section:-

6 Section 35MMM. (a) There shall be established and set up on the books of the
7 commonwealth a separate fund to be known as the substance use health protection fund. There
8 shall be credited to the fund:

9 (i) all amounts collected under section 2 of chapter 64H and subsection (h) of section 6 of
10 said chapter 64H from the sale of alcoholic beverages that are not considered to be sales of
11 meals, together with any penalties, forfeitures, interest, costs of suits and fines collected in
12 connection therewith, less all amounts refunded or abated in connection therewith, all as

13 determined by the commissioner of revenue according to the commissioner's best information
14 and belief;

15 (ii) any appropriation, grant, gift or other contribution explicitly made to aid the fund; and

16 (iii) any income derived from the investment of amounts credited to the fund.

17 (b) The fund shall be administered by the secretary of health and human services who
18 shall issue grants to provide funding, or supplement existing levels of funding, for the following
19 purposes:-

20 (i) For a comprehensive substance use treatment program to be administered by the
21 executive office of health and human services for the treatment of individuals who are dependent
22 on or addicted to alcohol or controlled substances, and who lack public or private health
23 insurance that would provide coverage for such treatment;

24 (ii) Subject to the approval of the executive office, for comprehensive school health
25 education programs to be administered by the department of elementary and secondary
26 education; provided, that such programs shall incorporate information relating to the hazards of
27 alcohol and controlled substance use;

28 (iii) Subject to the approval of the executive office, for substance use treatment programs
29 administered by the office of community corrections, the department of corrections, the
30 department of children and families, the department of youth services and the office of the
31 commissioner of probation; and

32 (iv) For community and workplace-based and community substance use prevention and
33 drinking cessation programs, for substance use-related public service advertising and for drug
34 and alcohol education program, to be administered by the executive office.

35 (c) Amounts credited to the fund shall not be subject to further appropriation and any
36 money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and
37 shall be available for expenditure in subsequent fiscal years.

38 (d) The secretary shall annually, not later than February 1, file a report with the house and
39 senate committees on ways and means and the joint committee on mental health, substance use
40 and recovery detailing the activity of the fund.