

SENATE No. 2670

The Commonwealth of Massachusetts

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

SENATE, April 30, 2020.

The committee on Elder Affairs to whom was referred the petition (accompanied by bill, Senate, No. 156) of Patricia D. Jehlen, Angelo J. Puppolo, Jr., William N. Brownsberger, Bradford Hill and other members of the General Court for legislation to protect the rights of assisted living residents; and the petition (accompanied by bill, House, No. 599) of Christine P. Barber and others relative to protecting the rights of assisted living residents, reports the accompanying bill (Senate, No. 2670).

For the committee,
Patricia D. Jehlen

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An Act protecting the rights of assisted living residents.

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 19D of the Massachusetts General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting at the end the following new section:-

3 19D:19. Unfair or deceptive acts or practices

4 It shall be an unfair or deceptive act or practice, in violation of M.G.L. c. 93A, § 2, for a
5 licensee or an administrator:

6 (1) to require a resident or a prospective resident, his/her legal representative or next of
7 kin, as a condition of admission, expedited admission, or continued stay in an assisted living
8 residence, to agree to waive or limit the residence's liability for loss of personal property or any
9 injury suffered as a result of negligence on the part of the administrator or of the residence's
10 employees or agents;

11 (2) to require a resident or a prospective resident, his/her legal representative or next of
12 kin, as a condition of admission, expedited admission, or continued stay in an assisted living

13 residence at any time after admission, to waive any benefit or right conferred by any statute or
14 regulation intended to provide protection to or for residents of any residence.

15 Nothing in this section shall be construed as limiting the rights of any person under
16 M.G.L. c. 93A or any other statute.

17 SECTION 2. Chapter 93A, section 2, paragraph (a) is hereby amended by inserting after
18 the word “unlawful” the following: -“, including acts under section 19 of Chapter 19D.”