

HOUSE No. 4873

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 15, 2022.

The committee on Veterans and Federal Affairs to whom were referred the petition (accompanied by bill, House, No. 3643) of Daniel R. Carey and others relative to the federal Open Burn Pit Registry and exposure of veterans and service members to certain airborne hazards, the petition (accompanied by bill, House, No. 3667) of Steven S. Howitt and others for legislation to require funeral directors to make available to potential clients information regarding funeral and burial benefits for veterans, the petition (accompanied by bill, House, No. 3672) of Meghan Kilcoyne and others relative to the Massachusetts National Guard family education program, the petition (accompanied by bill, House, No. 3680) of Paul McMurtry and others relative to the publishing of the names of veterans on certain municipal tax lists, the petition (accompanied by bill, House, No. 3674) of Michael P. Kushmerek and others for legislation to require funeral directors to make available to potential clients information regarding funeral and burial benefits for veterans, and the petition (accompanied by resolve, House, No. 3698) of David T. Vieira, Linda Dean Campbell and others for an investigation by a special commission (including members of the General Court) relative to a suitable memorial to commemorate Deborah Sampson, reports recommending that the accompanying bill (House, No. 4873) ought to pass.

For the committee,

PAUL MCMURTRY.

HOUSE No. 4873

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to veteran health, opportunity, notification, observance and respect.

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, as appearing in the 2020 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 243. (a) The commissioner of public health, in consultation with the
4 commissioner of veterans' services and the adjutant general of the Massachusetts national guard,
5 shall develop written educational materials that provide information about health effects
6 associated with chemicals identified at open burn pits in overseas military deployments,
7 including, but not limited to: (i) symptoms associated with exposure to open burn pits during
8 overseas military deployment; (ii) information regarding the U.S. Department of Veterans
9 Affairs' Airborne Hazards and Open Burn Pit Registry and resources that can assist with the
10 registration process; (iii) information regarding the eligibility requirements for participation in
11 the Registry, including deployment locations and dates; (iv) information on participation in the
12 Registry and resources that can provide assistance with the registration process; and (v) contact
13 information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit
14 Registry. The commissioner, in consultation with appropriate professional licensing boards and

professional membership associations, shall ensure the information is made available to all appropriate licensed health care providers in Massachusetts.

(b) The commissioner, in consultation with the commissioner of veterans' services and the adjutant general of the Massachusetts national guard shall: (i) monitor the most current published epidemiological studies and recommendations arising as a requirement of 38 U.S.C. 527, as well as developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits; and (ii) keep record of self-identifying service members and veterans who have been exposed to burn pits, that shall include the name, address, electronic address, phone number, location and period of service, and other information as deemed necessary. Such information shall be used only for the purposes of communicating information about exposure to toxic airborne chemicals and fumes caused by open burn pits to service members and veterans. The database, materials or other information shall be confidential and privileged, shall not be subject to chapter 66, or clause Twenty-sixth of section 7 of chapter 4 and shall not be subject to subpoena, discovery or introduction into evidence in any private civil action.

(c) On or before January 1, 2023, the commissioner, in coordination with the commissioner of veterans' services and the adjutant general of the Massachusetts national guard shall prepare an informational pamphlet regarding the health effects of exposure to open burn pits and how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and resources that can provide assistance with the registration process for distribution by the commissioner of veterans services and the adjutant general of the Massachusetts national guard. The informational pamphlet shall be distributed to all organizations the commissioner of veterans' services and adjutant general of the Massachusetts

national guard see fit, including but not limited to, veteran service offices throughout the commonwealth and veteran organizations. Veteran service officers shall receive training to assist with the implementation of this section.

(d) The informational pamphlet required in subsection (c) of section 243 of chapter 111 of the General Laws shall be made available on the department of public health's website once this bill is adopted into law.

SECTION 2. Chapter 115 of the General Laws is hereby amended by adding the following section:-

Section 16. (a) The commissioner of veterans' services, the commissioner of public health and the adjutant general of the Massachusetts national guard, shall collaborate to contact all members of the Massachusetts national guard and all known veterans and members of the U.S. Armed Forces residing in Massachusetts who may be eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. The commissioner of veterans' services, the commissioner of public health and the adjutant general of the Massachusetts national guard shall develop and execute a plan that ensures contact with members of the Massachusetts national guard and veterans or members of the U.S. Armed Forces residing in Massachusetts who may have served in the following: (i) Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn; (ii) Djibouti, Africa, on or after September 11, 2001; (iii) Afghanistan, on or after September 11, 2001; (iv) Operation Desert Shield or Operation Desert Storm; or (v) in the Southwest Asia theater of operations on or after August 2, 1990.

(b) Veterans or service members contacted shall be encouraged to join the Registry and shall be provided with: (i) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry; and (ii) a copy of the pamphlet created by the commissioner of public health pursuant to subsection (c) of section 243 of chapter 111.

(c) Notwithstanding any general or special law to the contrary, on or before September 1, 2022, the adjutant general of the national guard and the commissioner of veterans' services shall encourage the U.S. Department of Veterans Affairs to enhance and simplify the registration process for the Airborne Hazards and Open Burn Pit Registry by providing for: (i) identification verification for DS Logon Level 2 access to be made available at U.S. Department of Veterans Affairs' community-based outpatient clinics throughout Massachusetts; (ii) the creation of a paper registration option; and (iii) the creation of a process for deceased veterans' family members to participate in the Registry on behalf of said veteran.

(d) On or before October 1, 2022, the adjutant general of the national guard shall request that the periodic health assessment for members of the Massachusetts national guard to determine whether the guard member was deployed to a location that would make him or her eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry, and whether the guard member was exposed to open burn pits during his or her deployment to said location.

(e) On or before October 1, 2022, the adjutant general shall request that any member of the Massachusetts national guard who during his or her periodic health assessment is identified as having been potentially exposed to open burn pits during a deployment is

81 automatically registered to participate in the U.S. Department of Veterans Affairs' Airborne
82 Hazard and Open Burn Pit Registry.

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85 SECTION 3. Chapter 33 of the General Laws, as so appearing, is hereby amended by
86 inserting the following section:-

87 Section 137A. (a)The Massachusetts National Guard family education program
88 (NGFEP) shall be an extension of the National Guard Education Assistance Program as outlined
89 in Section 137, to include dependents of Massachusetts Guard members when requirements are
90 met as specified.

91 (b) National Guard members may split their state sponsored 130 credit tuition and fee
92 waiver between dependents. For the purpose of this section, dependents are defined as immediate
93 family members enrolled in the Defense Enrollment Eligibility Reporting System (DEERS).

94 (c) The program shall be administered by the Military Division which will maintain a
95 record of tuition and fee credit total, not to exceed 130 total credits per service member. The
96 Military Division may issue a certificate of exemption from the matriculation fee and tuition to
97 specified dependents of the Massachusetts Army or Air National Guard members enrolled at any
98 state institution, in a program the cost of which is borne by the commonwealth, and who are
99 qualified as provided in this section. Identified dependents must use their specified credit
100 allotment within ten years of service member separation or by the age of 26, whichever date is
101 later.

(d) To receive benefits from the program, the member must extend their current service obligation or reenlist for NGFEP benefits after completing their initial 6-year military service obligation to the Massachusetts National Guard. In order to be eligible, the Massachusetts National Guard member must: (i) be eligible to serve an additional 6-year enlistment from the date of extension or reenlistment; (ii) be in good standing and a satisfactory participant in the Massachusetts National Guard; and (iii) have not previously used their 130 semester credit state tuition waiver.

(e) No combination of member and/or dependents shall receive benefits in excess of 130 semester credit hours total.

(f) Enrollment of a dependent in a course at any such institution shall be dependent on the availability of seats. For the purposes of this section, "availability of seats" is defined as vacancies that exist in a course after the enrollment of all tuition-paying students, and all students who are enrolled under any scholarship or tuition waiver provisions.

SECTION 4. Chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after section 15MMMMMM the following 4 sections:-

Section 15NNNNNNN. The governor shall annually set apart June 14, the anniversary of the founding of the United States Army, in recognition of the distinguished patriotic services rendered by that organization, and by the citizens of the commonwealth who so gallantly served, and issue a proclamation recommending that the day be observed by the people in the display of the flag and in appropriate public exercises, commemorative of the services and

sacrifices of the citizens of the commonwealth who have served and continue to serve in the defense of the United States.

Section 15OOOOOO. The governor shall annually set apart September 18, the anniversary of the founding of the United States Air Force, in recognition of its distinguished history of service as a projector of American air power in support in defense of the Nation, and by the citizens of the commonwealth who so gallantly served, and issue a proclamation recommending that the day be observed by the people in the display of the flag and in appropriate public exercises, commemorative of the services and sacrifices of the citizens of the commonwealth who have served and continue to serve in the defense of the United States.

Section 15PPPPPP. The governor shall annually set apart December 13, the anniversary of the founding of the National Guard, in recognition of its role as an operational reserve of the United States Army and Air Force, providing ready, well equipped personnel and equipment to support the federal military mission when called upon by the President and the governor of the commonwealth to respond to domestic emergencies, and by the citizen soldiers and airmen of the commonwealth who have unfailingly answered the call of duty, issue a proclamation recommending that the day be observed by the people in the display of the flag and in appropriate public exercises, commemorative of the services and sacrifices of the citizens of the commonwealth who have served and continue to serve in the defense of the United States.

Section 15QQQQQQ. The governor shall annually set apart August 4, the anniversary of the founding of the United States Coast Guard, in recognition of its distinguished history and seagoing service, and issue a proclamation recommending that the day be observed by the people in the display of the flag and in appropriate public exercises, commemorative of

the services and sacrifices of the citizens of the commonwealth who have served and continue to serve in the defense of the United States.

SECTION XX. Chapter 60 of the General Laws, as so appearing, is hereby amended by inserting after section 35 the following section:-

Section 35A. (a) No municipality shall publish or cause to be published the name, or other individually identifying information, of a veteran still owing a tax pursuant to this chapter after it has become due and payable.

(b) A municipality may communicate through the municipality's veteran service officer in order to provide notice and information related to a tax due and payable under this chapter to the veteran owing such tax.

SECTION 5. Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after section 84C the following section:-

Section 84D. Every licensed funeral director, or his or her agent or servant, before an agreement as to the price of the merchandise and service is made, shall make available to all potential clients information regarding funeral and burial benefits for veterans as set forth in section 7 and 8 of chapter 115 and shall give or cause to be given to a client, a written statement verifying that the funeral director, or his or her agent or servant, make such information available to the potential client. The written statement shall be signed by the funeral director, or his or her

agent or servant, and the potential client before an agreement as to the price of the merchandise and service is made. A funeral director who fails to comply with this section shall be punished by a fine of not more than \$1,000.

SECTION 6. Chapter 23K of the General Laws is hereby amended by inserting after section 20 the following section:-

Section 20A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Limited slot machine establishment”, the premises owned or leased by a veterans’ organization for use by its members in good standing.

“Limited slot machine license”, a gaming license issued by the commission that permits a veterans’ organization to operate a gaming establishment with no table games and not more than 5 slot machines at a limited slot machine establishment.

“Limited slot machine licensee”, a veterans’ organization that holds a limited slot machine license for its limited slot machine establishment.

“Local licensing authority”, the local licensing authority in the city or town in which the limited slot machine establishment is located.

“Veterans’ organization”, any veterans’ organization that is: (i) incorporated by the Congress of the United States and (ii) included in section 4E of chapter 9.

(b) The commission may issue a limited slot machine license to veterans' organizations in the commonwealth.

A limited slot machine license shall only be issued to a veterans' organization that: (i) has been organized and actively functioning as a veterans' organization for not less than 5 years prior to being issued a license; (ii) has received the approval of the local licensing authority; and (iii) has been deemed suitable and qualified pursuant to regulations adopted by the commission pursuant to subsection (l).

No limited slot machine license issued to a veterans' organization pursuant to this section shall be transferred or assigned.

(c) A limited slot machine license issued by the commission pursuant to this section may be suspended or revoked at the discretion of the commission or upon written request to the commission by the local licensing authority. The suspension or revocation of a license issued pursuant to this section may be appealed by the limited slot machine licensee to the full commission, and the commission shall hear the appeal on the record. The decision rendered by the commission after the hearing shall be final and the licensee shall not be entitled to further review; provided, however, that in the case of a license revocation, the licensee shall be entitled to reapply for a license not less than 5 years from the date in which the final decision of the commission was issued.

(d) A limited slot machine licensee shall limit the promotion and operation of, and access to, slot machines to members in good standing of the veterans' organization; provided, that no member of the veterans' organization holding a limited slot machine license shall receive remuneration in any form for time or effort devoted to the promotion or operation of the slot

machines. No member of the general public shall be permitted access to any slot machine in a limited slot machine establishment.

(e) The profits of any slot machines shall be the property of the limited slot machine licensee, and shall be used for charitable, fraternal or civic purposes, including, but not limited to, veterans' benefits.

(f) A limited slot machine license issued pursuant to this section shall be valid for a period of 5 years. The commission shall establish procedures for application and renewal and may establish a fee for application or renewal not to exceed \$500. Application and renewal fees shall be deposited into the Gaming Revenue Fund established in section 59.

(g) Each licensee shall keep accurate records and books showing: (i) the total amount of all monies deposited by members in good standing of the veterans' organization who played the slot machines located in the limited slot machine establishment; (ii) the expenses incurred; and (iii) the name and address of each person receiving greater than \$100 in winnings in a 24-hour period. A separate checking account shall be kept of receipts and expenditures. Money for expenses shall be withdrawn only by checks having preprinted consecutive numbers and made payable to a specific person or corporation. No check shall be made payable to cash. All monies expended for said charitable, fraternal or civic purposes shall be duly and accurately recorded as to specific amounts expended and the purposes for which said amounts were expended. Proceeds from the operation of the slot machines shall be kept in a separate bank account and the licensee shall file an annual report on or before December 31 of each year of the charitable, fraternal and civic disbursements made during the preceding year with the commission and the local licensing authority in such form as the commission may prescribe. Such annual report shall be a public

record. The commission and the local licensing authority, or their duly authorized agents or representatives, shall at all times have access to the limited slot machine establishment, as well as the records and books of any licensee for the purpose of examining and checking the same.

(h) Each licensee shall file a return with the commission, on a form prepared by the commission, and shall pay therewith a tax of 5 per cent of the gross profits derived from the slot machines located in the limited slot machine establishment, which shall be deposited into the Gaming Revenue Fund established in section 59.

(i) No person under 21 years of age shall be permitted in that portion of any building or premises of the licensee during such time as a slot machine is being played.

(j) A limited slot machine establishment shall keep conspicuously posted on their premises a notice containing the following statement: "If you or someone you know has a gambling problem and wants help, call the Massachusetts Council on Gaming and Health on the Safer Gaming Education Line at 1-800-426-1234 or the Massachusetts Department of Public Health helpline at 1-800-327-5050."

(k) Limited slot machine licensees shall only acquire slot machines from a person licensed as a gaming vendor under section 31.

(l) The commission shall, consistent with the public objectives of this chapter established in section 1, promulgate regulations for the implementation, administration and enforcement of this section including, without limitation, regulations that prescribe: (i) the method and form of application which an applicant for licensure shall follow and complete before consideration by the commission; (ii) the information to be furnished by an applicant for a limited slot machine license or for the renewal of a limited slot machine license; (iii) suitability standards for

applicants for licensure pursuant to this section; (iv) the criteria for evaluation of the application for a limited slot machine license and qualifications for licensure pursuant to this section; (v) the information to be furnished by a veterans' organization relating to the members of the veterans' organization tasked with managing the slot machines; (vi) criteria for eligibility for licensure under this section; (vii) conditions on the operation and control of a limited slot machine establishment; and (viii) grounds and procedures for the revocation or suspension of a limited slot machine license.

SECTION 7. Chapter 75 of the General Laws is hereby amended by inserting after section 34A the following section:-

Section 34B. (a) Unless otherwise prohibited by any general or special law to the contrary, the University of Massachusetts medical school shall develop a continuing education program for clinical and non-clinical counselors serving institutions within the system of public institutions of higher education established pursuant to section 5 of chapter 15A. The program shall include education on the following subjects: (i) military culture and its influence on service member and veteran psychology; (ii) deployment cycle stressors as they impact campus life for students who are service members and veterans; (iii) outreach strategies for administrative, non-clinical and clinical services; (iv) symptoms of depression, suicide, deployment-related, insomnia, substance use, and post-traumatic stress disorder; and (v) available resources and methods of referral.

(b) The University of Massachusetts medical school shall: (i) develop the continuing education program, including the curriculum thereof, required by section 34B of chapter 75 of

the General Laws within 180 days after passage of this act; and (ii) conduct training for clinical and non-clinical counselors serving institutions within the Commonwealth's public institution of higher education within 545 days after passage of this act.

SECTION 8. Resolved, that there shall be a special commission to investigate and report on a suitable memorial to be erected to commemorate Deborah Samson, the official heroine of the commonwealth.

The special commission shall: (i) promote public support for and education on the importance of Deborah Samson to the War of Independence; (ii) identify a location for a suitable memorial for Deborah Samson; and (iii) evaluate the public and private resources available to erect and maintain the suitable memorial.

The commission shall consist of: the house and senate chairs of the joint committee on veterans and federal affairs, who shall serve as co-chairs; 2 additional members of the house of representatives, 1 of whom shall be appointed by the minority leader of the house; 2 additional members of the senate, 1 of whom shall be appointed by the minority leader of the senate; the commissioner of veterans' services or a designee; the adjutant general of the commonwealth or a designee; and 7 members to be appointed by the governor, 1 of whom shall be a female veteran, 1 of whom shall be a representative of the women veterans' network in the department of veterans' services, 1 of whom shall be a representative of the advisory committee on women veterans established under section 2 of chapter 115 of the General Laws, 1 of whom shall be a representative of the Department of Massachusetts Veterans of Foreign Wars of The United States, Inc., 1 of whom shall be a representative of The American Legion, Department of

295 Massachusetts Inc., 1 of whom shall be a representative of the AMVETS Department of
296 Massachusetts Service Foundation, Incorp. and 1 of whom shall be a representative of Disabled
297 American Veterans, Department of Massachusetts, Inc.

298 The commission shall submit a report of its investigation and recommendations,
299 including any drafts of legislation necessary to implement its recommendations, to the clerks of
300 the house of representatives and senate not later than 183 days following enactment of this
301 resolve.

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304 SECTION 9. Chapter 115 of the General Laws is hereby amended by inserting after
305 section 15 the following section:-

306 Section 16. (a) There shall be a veteran equality review board to ensure veterans
307 dishonorably discharged due to sexual orientation under 10 U.S. Code § 654, also known as the
308 don't ask, don't tell policy, receive state-based veteran benefits. The board shall consist of 5
309 voting members who, by education or experience, are knowledgeable of veterans benefits and
310 programs and have demonstrated interest in veteran affairs. A majority of the members shall be
311 veterans. 2 members shall be appointed by the Secretary of Veterans' Services, 1 member shall
312 be appointed by the Governor, 1 member shall be appointed by the Senate President and 1
313 member shall be appointed by the speaker of the house of representatives. Members shall serve
314 for 5 years. The members shall vote to select a chair. A vacancy shall be filled for the balance of
315 the unexpired term in the same manner as the original appointment. duties. A majority of the
316 appointed and serving members of the board shall constitute a quorum of the board for the

transaction of business. An action of the board shall be approved by a majority vote of the members present at a meeting where a quorum is present. The members of the board shall serve without compensation.

(b) The board shall meet as often as deemed necessary by the chairperson based on the number of applications pending before the board. The board shall review each application submitted and render a recommendation to the secretary of veterans' services as to whether the veteran's sexual orientation was the reason for an other than honorable discharge. The board shall review each application not later than thirty days after receipt and render a written recommendation to the secretary not later than thirty days after such review.

(c) A veteran who received a discharge that was not honorable and who believes such discharge characterization was based on such veteran's sexual orientation may file an application for state-based veteran benefits. Said veteran may include evidence supporting his or her claim that such discharge characterization was based on the veteran's sexual orientation.

(d) The department of veterans' services shall promulgate a standardized application form enumerating the required documentation necessary for filing an application under this subsection and shall make such form available on the department of veterans' services web site along with filing instructions.

(e) The secretary shall issue a written decision not later than ten days after receipt of the board's recommendation, approving or denying the application. If the secretary approves the application, such veteran shall be eligible for state-based veteran benefits.

337 (f) If the secretary's decision is unfavorable to the veteran, the veteran may file a request
338 for reconsideration not later than thirty days after receipt of the secretary's decision. The veteran
339 may provide additional documentation for their application.