

HOUSE No. 5018

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2022.

The committee on Health Care Financing to whom were referred the Bill ensuring access to addiction services (Senate, No. 1285) and the Bill ensuring access to addiction services (House, No. 2066), reports recommending that the accompanying bill (House, No. 5018) ought to pass [Cost: Greater than \$100,000.00].

For the committee,

JOHN J. LAWN, JR.

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

An Act ensuring access to addiction services.

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 35 of Chapter 123 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 74 to 104, inclusive, the words “If
3 the department of public health” through “treating persons on a voluntary basis,” and inserting in
4 place thereof the following:-

5 The Secretary of Health and Human Services shall ensure an adequate supply of beds for
6 the treatment of alcohol or substance use disorders at facilities licensed or approved by the
7 Department of Public Health or the Department of Mental Health, which shall not be a jail or
8 correctional facility, for persons ordered to be committed under M.G.L. c. 123, s. 35.

9 If the court makes a specific finding that the only appropriate setting for treatment for the
10 person is a secure facility, then the person may be committed to a secure facility licensed or
11 approved by the Department of Public Health or the Department of Mental Health, which shall
12 not be a jail or correctional facility; provided further, that such secure facilities licensed or
13 approved by the Department of Public Health or the Department of Mental Health shall be

14 geographically distributed throughout the Commonwealth so as to provide access to treatment in
15 all regions of Massachusetts.

16 A person committed under this section shall, upon release, be encouraged to consent to
17 further treatment and shall be allowed voluntarily to remain in the facility for such purpose. The
18 department of public health shall maintain a roster of public and private facilities available,
19 together with the number of beds currently available and the level of security at each facility, for
20 the care and treatment of alcohol use disorder and substance use disorder and shall make the
21 roster available to the trial court.