

SENATE No. 1285

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 ensuring access to addiction services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/23/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/25/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/25/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/1/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/2/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/25/2021</i>

SENATE No. 1285

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1285) of Cindy F. Friedman, Michael J. Barrett, Harriette L. Chandler, Jason M. Lewis and other members of the Senate for legislation to ensure access to addiction services. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1145 OF 2019-2020.]

The Commonwealth of Massachusetts

**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 2018
2 Official Edition, is hereby amended by striking out, in lines 79 to 85, inclusive, the words “(i) a
3 secure facility for women approved by the department of public health or the department of
4 mental health, if a female; or (ii) the Massachusetts correctional institution at Bridgewater or
5 other such facility as designated by the commissioner of correction, if a male; provided,
6 however, that any person so committed shall be housed and treated separately from persons
7 currently serving a criminal sentence” and inserting in place thereof the following words:- a
8 secure facility licensed or approved by the department of public health or the department of
9 mental health, which shall not be a jail or correctional facility; provided that such secure
10 facilities licensed or approved by the department of public health or the department of mental

11 health shall be geographically distributed throughout the commonwealth to ensure access to
12 treatment in all regions of the state. Notwithstanding this section or any general or special law to
13 the contrary, a person may be committed under this section to a correctional facility, designated
14 by the commissioner of correction, only if the person is concurrently committed pursuant to an
15 order issued in a criminal case under a provision of law other than this section; provided,
16 however, that such correctional facility shall be capable of providing appropriate, evidence-based
17 treatment under this section.

18 SECTION 2. Said section 35 of said chapter 123, as so appearing, is hereby amended by
19 striking out the fifth paragraph, in lines 93 to 100, inclusive, and inserting in place thereof the
20 following paragraph:-

21 The commissioner of correction shall report monthly, by correctional facility, the number
22 of persons committed under this section to a correctional facility pursuant to an order issued in a
23 criminal case. The report shall be provided to the clerks of the senate and house of
24 representatives, the chairs of the joint committee on mental health, substance use and recovery,
25 the chairs of the joint committee on public safety and homeland security and the chairs of the
26 joint committee on the judiciary.

27 SECTION 3. Said section 35 of said chapter 123, as so appearing, is hereby amended by
28 striking out the sixth paragraph, in lines 101 to 104, inclusive, and inserting in place thereof the
29 following paragraph:-

30 Nothing in this section shall relieve a correctional facility from its responsibility to offer
31 evidence-based treatment for alcohol or substance use disorder to incarcerated persons on a
32 voluntary basis.

SECTION 4. This act shall take effect July 1, 2021.