

SENATE No. 1271

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Cronin, (BY REQUEST)

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 to protect minors from abusive contracts.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Michael Mallary

SENATE No. 1271

By Mr. Cronin (by request), a petition (accompanied by bill, Senate, No. 1271) of Michael Mallary for legislation to protect minors from abusive contracts. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act to protect minors from abusive contracts.

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 112 of the General Laws, as appearing in the 2019 Official Edition,
2 is hereby amended by adding following new section:-

3 Section 276. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Facility”, a facility and its employees and agents, including, but not limited to, a school,
6 group home, residential treatment facility, or a facility which employs health care providers.

7 “Health care provider”, a health care professional licensed under this chapter, including,
8 but not limited to, a physician, psychologist, social worker, nurse or allied mental health and
9 human services professional, including a marriage and family therapist, rehabilitation counselor,
10 mental health counselor or educational psychologist.

11 No facility or health care provider who serves minors shall present a minor with any
12 contract; education plan, treatment plan or any document represented to the minor as giving the
13 minor’s consent to physical restraint, isolation, corporal punishment, or invasive personal
14 searches. For the purposes of this section, ‘corporal punishment’ shall include any treatment
15 which purports to modify the minor’s behavior through infliction of pain and/or physical distress
16 upon the minor.

17 (b) A facility or health care provider who violates this section shall be subject to
18 discipline by the appropriate licensing board and such discipline may include suspension or
19 revocation of license.

20 (c) A violation of this section shall be considered a violation of section 2 of chapter 93A.
21 Any claim brought under said section 2 of said chapter 93A for a violation of this section shall be
22 subject to sections 5A and 7 of chapter 260.

23 SECTION 37G. Chapter 71 of the General Laws, as appearing in the 2019 Official
24 Edition, is hereby amended by adding following new subsection:-

25 (d) No school or employee or agent of a school shall present a pupil with a contract
26 which purports to give the pupil’s consent to restrain the pupil.