

HOUSE No. 3508

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/18/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2023</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>4/5/2023</i>

HOUSE No. 3508

By Representative Howitt of Seekonk, a petition (accompanied by bill, House, No. 3508) of Steven S. Howitt and Joseph D. McKenna relative to veteran health, opportunity, notification, observance and respect. Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4873 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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

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

30 (c) On or before January 1, 2024, the commissioner, in coordination with the
31 commissioner of veterans' services and the adjutant general of the Massachusetts national guard
32 shall prepare an informational pamphlet regarding the health effects of exposure to open burn
33 pits and how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and

34 Open Burn Pit Registry and resources that can provide assistance with the registration process
35 for distribution by the commissioner of veterans services and the adjutant general of the
36 Massachusetts national guard. The informational pamphlet shall be distributed to all
37 organizations the commissioner of veterans' services and adjutant general of the Massachusetts
38 national guard see fit, including but not limited to, veteran service offices throughout the
39 commonwealth and veteran organizations. Veteran service officers shall receive training to assist
40 with the implementation of this section.

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

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

46 Section 16. (a) The commissioner of veterans' services, the commissioner of
47 public health and the adjutant general of the Massachusetts national guard, shall collaborate to
48 contact all members of the Massachusetts national guard and all known veterans and members of
49 the U.S. Armed Forces residing in Massachusetts who may be eligible to participate in the U.S.
50 Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. The
51 commissioner of veterans' services, the commissioner of public health and the adjutant general
52 of the Massachusetts national guard shall develop and execute a plan that ensures contact with
53 members of the Massachusetts national guard and veterans or members of the U.S. Armed
54 Forces residing in Massachusetts who may have served in the following: (i) Operation Enduring
55 Freedom, Operation Iraqi Freedom, or Operation New Dawn; (ii) Djibouti, Africa, on or after

56 September 11, 2001; (iii) Afghanistan, on or after September 11, 2001; (iv) Operation Desert
57 Shield or Operation Desert Storm; or (v) in the Southwest Asia theater of operations on or after
58 August 2, 1990.

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

63 (c) Notwithstanding any general or special law to the contrary, on or before September 1,
64 2023, the adjutant general of the national guard and the commissioner of veterans' services shall
65 encourage the U.S. Department of Veterans Affairs to enhance and simplify the registration
66 process for the Airborne Hazards and Open Burn Pit Registry by providing for: (i) identification
67 verification for DS Logon Level 2 access to be made available at U.S. Department of Veterans
68 Affairs' community-based outpatient clinics throughout Massachusetts; (ii) the creation of a
69 paper registration option; and (iii) the creation of a process for deceased veterans' family
70 members to participate in the Registry on behalf of said veteran.

71 (d) On or before October 1, 2023, the adjutant general of the national guard shall
72 request that the periodic health assessment for members of the Massachusetts national guard to
73 determine whether the guard member was deployed to a location that would make him or her
74 eligible to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open
75 Burn Pit Registry, and whether the guard member was exposed to open burn pits during his or
76 her deployment to said location.

77 (e) On or before October 1, 2023, the adjutant general shall request that any
78 member of the Massachusetts national guard who during his or her periodic health assessment is
79 identified as having been potentially exposed to open burn pits during a deployment is
80 automatically registered to participate in the U.S. Department of Veterans Affairs' Airborne
81 Hazard and Open Burn Pit Registry.

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

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

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

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

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

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

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

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

114 Section 15NNNNNNN. The governor shall annually set apart June 14, the
115 anniversary of the founding of the United States Army, in recognition of the distinguished
116 patriotic services rendered by that organization, and by the citizens of the commonwealth who so
117 gallantly served, and issue a proclamation recommending that the day be observed by the people
118 in the display of the flag and in appropriate public exercises, commemorative of the services and
119 sacrifices of the citizens of the commonwealth who have served and continue to serve in the
120 defense of the United States.

121 Section 15000000. The governor shall annually set apart September 18, the
122 anniversary of the founding of the United States Air Force, in recognition of its distinguished
123 history of service as a projector of American air power in support in defense of the Nation, and
124 by the citizens of the commonwealth who so gallantly served, and issue a proclamation
125 recommending that the day be observed by the people in the display of the flag and in
126 appropriate public exercises, commemorative of the services and sacrifices of the citizens of the
127 commonwealth who have served and continue to serve in the defense of the United States.

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

137 Section 15QQQQQQ. The governor shall annually set apart August 4, the
138 anniversary of the founding of the United States Coast Guard, in recognition of its distinguished
139 history and seagoing service, and issue a proclamation recommending that the day be observed
140 by the people in the display of the flag and in appropriate public exercises, commemorative of
141 the services and sacrifices of the citizens of the commonwealth who have served and continue to
142 serve in the defense of the United States.

143

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

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

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

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

154 Section 84D. Every licensed funeral director, or his or her agent or servant, before
155 an agreement as to the price of the merchandise and service is made, shall make available to all
156 potential clients information regarding funeral and burial benefits for veterans as set forth in
157 section 7 and 8 of chapter 115 and shall give or cause to be given to a client, a written statement
158 verifying that the funeral director, or his or her agent or servant, make such information available
159 to the potential client. The written statement shall be signed by the funeral director, or his or her
160 agent or servant, and the potential client before an agreement as to the price of the merchandise
161 and service is made. A funeral director who fails to comply with this section shall be punished by
162 a fine of not more than \$1,000.

163

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

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

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

170 “Limited slot machine license”, a gaming license issued by the commission that permits a
171 veterans’ organization to operate a gaming establishment with no table games and not more than
172 5 slot machines at a limited slot machine establishment.

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

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

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

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

181 A limited slot machine license shall only be issued to a veterans’ organization that: (i) has
182 been organized and actively functioning as a veterans’ organization for not less than 5 years prior
183 to being issued a license; (ii) has received the approval of the local licensing authority; and (iii)

184 has been deemed suitable and qualified pursuant to regulations adopted by the commission
185 pursuant to subsection (l).

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

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

197 (d) A limited slot machine licensee shall limit the promotion and operation of, and access
198 to, slot machines to members in good standing of the veterans' organization; provided, that no
199 member of the veterans' organization holding a limited slot machine license shall receive
200 remuneration in any form for time or effort devoted to the promotion or operation of the slot
201 machines. No member of the general public shall be permitted access to any slot machine in a
202 limited slot machine establishment.

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

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

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

226 (h) Each licensee shall file a return with the commission, on a form prepared by the
227 commission, and shall pay therewith a tax of 5 per cent of the gross profits derived from the slot

228 machines located in the limited slot machine establishment, which shall be deposited into the
229 Gaming Revenue Fund established in section 59.

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

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

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

239 (l) The commission shall, consistent with the public objectives of this chapter established
240 in section 1, promulgate regulations for the implementation, administration and enforcement of
241 this section including, without limitation, regulations that prescribe: (i) the method and form of
242 application which an applicant for licensure shall follow and complete before consideration by
243 the commission; (ii) the information to be furnished by an applicant for a limited slot machine
244 license or for the renewal of a limited slot machine license; (iii) suitability standards for
245 applicants for licensure pursuant to this section; (iv) the criteria for evaluation of the application
246 for a limited slot machine license and qualifications for licensure pursuant to this section; (v) the
247 information to be furnished by a veterans' organization relating to the members of the veterans'
248 organization tasked with managing the slot machines; (vi) criteria for eligibility for licensure
249 under this section; (vii) conditions on the operation and control of a limited slot machine

250 establishment; and (viii) grounds and procedures for the revocation or suspension of a limited
251 slot machine license.

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

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

264 (b) The University of Massachusetts medical school shall: (i) develop the continuing
265 education program, including the curriculum thereof, required by section 34B of chapter 75 of
266 the General Laws within 180 days after passage of this act; and (ii) conduct training for clinical
267 and non-clinical counselors serving institutions within the Commonwealth's public institution of
268 higher education within 545 days after passage of this act.

269

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

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

277 The commission shall consist of: the house and senate chairs of the joint committee on
278 veterans and federal affairs, who shall serve as co-chairs; 2 additional members of the house of
279 representatives, 1 of whom shall be appointed by the minority leader of the house; 2 additional
280 members of the senate, 1 of whom shall be appointed by the minority leader of the senate; the
281 commissioner of veterans' services or a designee; the adjutant general of the commonwealth or a
282 designee; and 7 members to be appointed by the governor, 1 of whom shall be a female veteran,
283 1 of whom shall be a representative of the women veterans' network in the department of
284 veterans' services, 1 of whom shall be a representative of the advisory committee on women
285 veterans established under section 2 of chapter 115 of the General Laws, 1 of whom shall be a
286 representative of the Department of Massachusetts Veterans of Foreign Wars of The United
287 States, Inc., 1 of whom shall be a representative of The American Legion, Department of
288 Massachusetts Inc., 1 of whom shall be a representative of the AMVETS Department of
289 Massachusetts Service Foundation, Incorp. and 1 of whom shall be a representative of Disabled
290 American Veterans, Department of Massachusetts, Inc.

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

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

297 Section 16. (a) There shall be a veteran equality review board to ensure veterans
298 dishonorably discharged due to sexual orientation under 10 U.S. Code § 654, also known as the
299 don't ask, don't tell policy, receive state-based veteran benefits. The board shall consist of 5
300 voting members who, by education or experience, are knowledgeable of veterans benefits and
301 programs and have demonstrated interest in veteran affairs. A majority of the members shall be
302 veterans. 2 members shall be appointed by the Secretary of Veterans' Services, 1 member shall
303 be appointed by the Governor, 1 member shall be appointed by the Senate President and 1
304 member shall be appointed by the speaker of the house of representatives. Members shall serve
305 for 5 years. The members shall vote to select a chair. A vacancy shall be filled for the balance of
306 the unexpired term in the same manner as the original appointment. duties. A majority of the
307 appointed and serving members of the board shall constitute a quorum of the board for the
308 transaction of business. An action of the board shall be approved by a majority vote of the
309 members present at a meeting where a quorum is present. The members of the board shall serve
310 without compensation.

311 (b) The board shall meet as often as deemed necessary by the chairperson based on the
312 number of applications pending before the board. The board shall review each application

313 submitted and render a recommendation to the secretary of veterans' services as to whether the
314 veteran's sexual orientation was the reason for an other than honorable discharge. The board shall
315 review each application not later than thirty days after receipt and render a written
316 recommendation to the secretary not later than thirty days after such review.

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

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

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

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