

**SENATE . . . . . No. 1247**

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**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>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/24/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/9/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/23/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/24/2023</i>

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By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1247) of Cindy F. Friedman, Rebecca L. Rausch, Michael J. Barrett, Lydia Edwards and other members of the General Court for legislation to ensure access to addiction services. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1285 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

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 the definition of “Facility”, in lines 9 to 10,  
3 and inserting in place thereof the following definition:-

4           “Facility”, a public or private facility that provides care and treatment for a person with  
5 an alcohol or substance use disorder; provided, that for purposes of this section “facility” shall  
6 not include any jail or correctional facility or any other facility funded, controlled or  
7 administered by a sheriff or the executive office of public safety or any agency under the  
8 jurisdiction of the executive office of public safety.

9           SECTION 2. Said section 35 of said chapter 123, as so appearing, is hereby amended by  
10 striking out the fourth to sixth paragraphs, in lines 74 to 104, inclusive, and inserting in place  
11 thereof the following paragraphs:-

12           The secretary of health and human services shall ensure an adequate supply of beds for  
13 the treatment of alcohol or substance use disorders under this section at facilities licensed or  
14 approved by the department of public health or the department of mental health. If the court  
15 makes a specific finding that the only appropriate setting for treatment for the person is a secure  
16 facility, then the person may be committed to a secure facility licensed or approved by the  
17 department of public health or the department of mental health; provided, that such secure  
18 facilities shall be geographically distributed throughout the commonwealth to provide access to  
19 treatment in all regions of Massachusetts.

20           Notwithstanding this section or any general or special law to the contrary, a person may  
21 be committed under this section to a correctional facility, designated by the commissioner of  
22 correction, only if the person is concurrently committed pursuant to an order issued in a criminal  
23 case under a provision of law other than this section; provided, however, that such correctional  
24 facility shall be capable of providing appropriate, evidence-based treatment under this section.  
25 The commissioner of correction shall report monthly, by correctional facility, the number of  
26 persons committed under this section to a correctional facility pursuant to an order issued in a  
27 criminal case. The report shall be provided to the clerks of the senate and house of  
28 representatives, the chairs of the joint committee on mental health, substance use and recovery,  
29 the chairs of the joint committee on public safety and homeland security and the chairs of the  
30 joint committee on the judiciary.

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

37           SECTION 3. Said section 35 of said chapter 123, as so appearing, is hereby amended by  
38 adding the following sentence:-

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

42           SECTION 4. This act shall take effect July 1, 2023.