SENATE DOCKET, NO. 533 FILED ON: 1/17/2023

SENATE . . . . . No. 2343

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 military personnel and medical records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael F. Rush	*Norfolk and Suffolk*	
Paul McMurtry	*11th Norfolk*	*2/2/2023*

SENATE DOCKET, NO. 533 FILED ON: 1/17/2023

SENATE . . . . . No. 2343

By Mr. Rush, a petition (accompanied by bill, Senate, No. 2343) of Michael F. Rush and Paul McMurtry for legislation relative to military personnel and medical records. Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2422* OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to military personnel and medical records.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 26 of Chapter 31 of the general laws is hereby amended by striking out the third paragraph and inserting place in thereof the following:- The administrator may require any disabled veteran to present a certificate of a physician, approved by the administrator, that his disability is not such as to incapacitate him from the performance of the duties of the position for which he is eligible. The cost of a physical examination of such veteran for the purpose of obtaining such certificate shall be borne by the commonwealth. Notwithstanding the administrator's right to require a physician's certificate in the case of a disabled veteran, an appointing authority shall not require, request or accept an individual's military medical record or military personnel service record for the purpose of employment; provided, however, that an appointing authority may require, request or accept the individual's DD–214 form. An appointing

authority shall not impose a term or condition on an individual as a condition of obtaining or retaining employment if compliance with the term or condition would require the individual to present the individual's military medical record or military personnel service record as set forth in this paragraph; provided, however, that an appointing authority may impose a term or condition requiring the individual to present the individual's DD–214 form. Nothing in this section shall prohibit an appointing authority to require military service records if the condition stated on the individual's DD–214 form is other than honorable. This paragraph shall apply to all civil and non-civil service municipalities' hiring authorities.