

SENATE No. 982

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 relative to treatment, not imprisonment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/7/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/2/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/6/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>9/26/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>12/20/2023</i>

SENATE No. 982

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 982) of Cindy F. Friedman, Michael J. Barrett, Joanne M. Comerford, Sal N. DiDomenico and other members of the Senate for legislation relative to treatment, not imprisonment. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1035 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to treatment, not imprisonment.

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 87A of chapter 276 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the first paragraph the following
3 paragraphs:-

4 Upon motion by a person who has been ordered to submit to drug or alcohol testing or to
5 refrain from the use of alcohol or a controlled substance as a condition of probation, the court
6 shall consider whether the person has an alcohol or substance use disorder and needs treatment.

7 If the person attests to having or is determined to have an alcohol or substance use
8 disorder, the person shall be ordered to engage in a treatment plan or protocol: (i) with a mental
9 health clinic or alcohol or substance use disorder program licensed by the department of public

10 health under chapters 17, 111, 111B, or 111E; (ii) with a behavioral, alcohol use disorder,
11 substance use disorder, or mental health professional who is licensed under chapters 111J and
12 112 and accredited or certified to provide services consistent with law; (iii) with a primary care
13 provider or mental health care provider prescribing medication for alcohol or substance use
14 disorder; or (iv) that aligns with evidence-based practices described in the American Society of
15 Addiction Medicine or the Substance Abuse and Mental Health Services Administration. If the
16 person is engaged in such treatment plan or protocol, the court shall not modify such treatment
17 plan or protocol or require the person to submit to additional drug or alcohol testing that is not
18 required by the treatment plan or protocol.

19 A positive drug or alcohol test or other indicator of relapse shall not be considered a
20 violation of the conditions of probation if the person: (i) is engaged in a treatment plan or
21 protocol; (ii) is making reasonable efforts to receive treatment; (iii) is switching treatment plans
22 or protocols voluntarily or at the direction of a treatment provider; (iv) is discharged from a
23 treatment plan or protocol and transitioning into new a treatment plan or protocol; or (v) has
24 completed a treatment plan or protocol and remains in compliance with all other conditions of
25 probation.

26 If a person who has completed a treatment plan or protocol and remains subject to
27 conditions of probation tests positive for drugs or alcohol or exhibits any other indicator of
28 relapse, the person may again move the court to consider the person's treatment needs and, if
29 necessary, the court may order further treatment consistent with this section.