HOUSE DOCKET, NO. 4091 FILED ON: 1/17/2025

HOUSE . . . . . No. 2197

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker and Margaret R. Scarsdale

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:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*1/17/2025*
Tara T. Hong	*18th Middlesex*	*5/12/2025*
Estela A. Reyes	*4th Essex*	*5/28/2025*
Christopher Hendricks	*11th Bristol*	*6/11/2025*

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HOUSE . . . . . No. 2197

By Representatives Decker of Cambridge and Scarsdale of Pepperell, a petition (accompanied by bill, House, No. 2197) of Marjorie C. Decker relative to access to addiction services. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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:

SECTION 1. Section 35 of chapter 123 of the General Laws, as most recently amended by chapter 285 of the acts of 2024, is hereby amended by striking out the definitions of "Facility" and "Secure facility" and inserting in place thereof the following definitions:-

"Facility", a public or private facility operated, licensed or approved by the department of public health or department of mental health that provides care and treatment for a person with an alcohol or substance use disorder; provided, however, that for purposes of this section "facility" shall not include any jail or correctional entity or any other entity funded, controlled or administered by a county sheriff, the executive office of public safety and security or any agency under the jurisdiction of the executive office of public safety and security, regardless of whether such facility is operated, licensed or approved by the department of public health or the department of mental health.

"Secure facility", a facility, as defined in this section, that provides care and treatment for persons with alcohol or substance use disorder and is designated by the department of public health or the department of mental health to provide levels of security sufficient to protect such persons and the community within such facility.

SECTION 2. Said section 35 of said chapter 123, as most recently amended by section 17 of chapter 285 of the acts of 2024, is hereby amended by striking out the fourth to sixth paragraphs and inserting in place thereof the following paragraphs:-

The secretary of health and human services shall ensure an adequate supply of beds in facilities and secure facilities for the treatment of alcohol or substance use disorders under this section; provided, however, that such secure facilities shall be geographically distributed throughout the commonwealth to provide access to treatment in all regions of Massachusetts. The department of public health shall maintain a roster of public and private facilities and secure facilities available, together with the number of beds currently available and the level of security at each facility, for the care and treatment of alcohol use disorder and substance use disorder pursuant to this section and shall make the roster available to the trial court.

If the court makes a specific finding that the person requires a facility with additional security, the person may be committed to a secure facility.

A person committed under this section shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose, transition to a facility with lower security or transition to a facility that is not included on the roster maintained by the department of public health pursuant to this section.

SECTION 3. Said section 35 of said chapter 123, as so appearing, is hereby amended by adding at the end thereof the following new paragraph:-

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