

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins

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 Modernizing the 6 Fundamental Rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act Modernizing the 6 Fundamental Rights.

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 23 of Chapter 123 of the General Laws, as so appearing, is hereby
2 amended by inserting the following words: “or video phone with transcription capabilities as
3 needed for accessibility” following “(a) reasonable access to a telephone” and, in the same
4 section, inserting “including access to one’s own phone or similar device to use and access
5 information contained therein” following: “to make and receive confidential telephone calls and
6 to assistance when desired and necessary to implement such right” and, in the same section,
7 inserting “or other uses of a personal device” following “that such calls”.

8 SECTION 2: Section 23 of Chapter 123 of the General Laws shall further be amended by
9 inserting the following words: “and electronic mail” following: “(b) to send and receive sealed,
10 unopened, uncensored mail” and, in the same section, inserting “postal or other paper”
11 following: “a particular person’s” and, in the same section, inserting “A computer or similar
12 device” following: “contraband.” And, in the same section, removing ‘reasonable quantities’
13 following: “stamps in” and replacing it with “quantities great enough to provide for reasonable

14 daily access”; And, in the same section, inserting “setting up and using e-mail or similar
15 messaging applications” following: “Reasonable assistance shall be provided to such person in”;
16 and, in the same section, inserting “Where an individual has available and wishes to bring a
17 personal computer or similar device, this too shall be allowed with reasonable daily access
18 given”.

19 SECTION 3: Section 23 of Chapter 123 of the General Laws shall further be amended by
20 inserting the words: “even if not within normal visiting hours” following: “(c) to receive visitors
21 of such person's own choosing daily and in private, at reasonable times. Hours during which
22 visitors may be received may be limited only to protect the privacy of other persons and to avoid
23 serious disruptions in the normal functioning of the facility or program and shall be sufficiently
24 flexible as to accommodate individual needs and desires of such person and the visitors of such
25 person”.

26 SECTION 4: Section 23 of Chapter 123 of the General Laws shall further be amended by
27 inserting the words: “in a manner also appropriate to their stated gender identity and with
28 reasonable access to culturally relevant personal care products” following: “(d) to a humane
29 psychological and physical environment. Each such person shall be provided living quarters and
30 accommodations which afford privacy and security in resting, sleeping, dressing, bathing and
31 personal hygiene, reading and writing and in toileting”.

32 SECTION 5: Section 23 of Chapter 123 of the General Laws shall further be amended by
33 inserting the words: “peer supporter” and “recovery coach” following: “(e) to receive at any
34 reasonable time as defined in department regulations, or refuse to receive, visits and telephone
35 calls from a client's attorney or legal advocate, physician, psychologist, clergy member” and, in

36 the same section, inserting ‘therapist, or any other community mental health, medical or holistic
37 provider” following: “social worker”.

38 SECTION 6: Section 23 of Chapter 123 of the General Laws shall further be amended by
39 inserting: “The Department shall also promulgate regulations for implementation of fines no less
40 than \$100.00 per incident applicable upon findings that a facility has continued to commit
41 violations of any right(s) named anywhere in this Section after having been given fair warning
42 and reasonable opportunity to correct and shall further establish regulations for the management
43 of a fund where all fines shall be held and then equitably distributed by a formal but expeditious
44 request process to benefit the individual or collective needs of people staying in any facility that
45 fall under this law” after “and the reasons therefor shall be documented with specific facts in the
46 client's record and subject to timely appeal” and, in the same section, insert: “or any other right
47 mentioned in Section 23” following: “Any dispute or disagreement concerning the exercise of
48 the aforementioned rights in clause (a) to (f)”.

49 SECTION 7: Section 23 of Chapter 123 of the General Laws shall further be amended to
50 include: “The Department will also be responsible for contracting out to one or more qualified
51 legal or advocacy organization a minimum of three new full-time positions wherein those so
52 employed will be responsible for investigating complaints, assessing fines and collectively
53 managing distributions for the related fund”, directly following the addition named in Section 5.

54 SECTION 8: As used in this section, the following words shall, unless the context clearly
55 requires otherwise, have the following meanings:

56 “CONFIDENTIAL CALLS”, the ability to make phone calls outside of and far enough
57 away from any common use or staff-occupied space – preferably enclosed and free of

58 expectation of routine interruptions - that a reasonable person would confidently agree that the
59 content of a call could not be overheard

60 “EQUITABLE”, considering reasonable access and distribution across facilities,
61 geography and needs as much as funds allow and with the understanding that equity is not the
62 same as equal

63 “LEGAL ADVOCATE”, individual reasonably informed and able to support someone
64 else to become informed about and exercise their legal rights and not necessarily someone who
65 has been through formal legal training

66 “PEER SUPPORTER”, individual working in a designated peer role including peer
67 advocates, community bridgers, Recovery Coaches, Certified Peer Specialists and similar.

68 “SERIOUS DISRUPTIONS”, interference that would lead either to significant safety
69 risks and/or inability for employees to carry our core responsibilities across the unit and not to be
70 interpreted as simply interfering with an individual’s participation or similar

71 “RECEIVE OR REFUSE TO RECEIVE”, in an environments where a facility employee
72 monitors or otherwise controls entry, this shall be understood to mean asking the person if they
73 do or do not want a visitor before the visitor is granted access to the facility

74 “STATED GENDER IDENTITY”, someone’s gender identity as they have stated it as
75 opposed to sex stated in their medical records

76 “CULTURALLY RELEVANT PERSONAL CARE ITEMS”, items that are formulated,
77 developed and marketed to adequately care for particular skin and hair types, etc. May also

- 78 include gender affirming care items like binders and similar; Should also be assumed to include
- 79 consistent access to tampons, sanitary pads and other basic hygiene items.