

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Tram T. Nguyen and Marjorie C. Decker*

*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 incarceration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/11/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/13/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2927 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to treatment, not incarceration.

*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 87A of chapter 276 of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by inserting after the first paragraph the following paragraphs:-

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

6 If the person attests to having or is determined to have an alcohol or substance use  
7 disorder, the person shall be ordered to engage in a treatment plan or protocol: (i) with a mental  
8 health clinic or alcohol or substance use disorder program licensed by the department of public  
9 health under chapters 17, 111, 111B, or 111E; (ii) with a behavioral, alcohol use disorder,  
10 substance use disorder, or mental health professional who is licensed under chapters 111J and  
11 112 and accredited or certified to provide services consistent with law; (iii) with a primary care

12 provider or mental health care provider prescribing medication for alcohol or substance use  
13 disorder; or (iv) that aligns with evidence-based practices described in the American Society of  
14 Addiction Medicine or the Substance Abuse and Mental Health Services Administration. If the  
15 person is engaged in such treatment plan or protocol, the court shall not modify such treatment  
16 plan or protocol or require the person to submit to additional drug or alcohol testing that is not  
17 required by the treatment plan or protocol.

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

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