

SENATE No. 1711

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 regarding consistent care for addiction rooted in evidence.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 1711

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1711) of John F. Keenan for legislation to require all state and county correctional facilities to provide medication for addiction treatment (MAT) for substance use disorder or alcohol use disorder. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act regarding consistent care for addiction rooted in evidence.

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 1 of chapter 127 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the definition of “Medication-assisted
3 treatment” and replacing it with the following definition:-

4 “Medication for addiction treatment”, treatment for a substance use disorder or alcohol
5 use disorder that: (i) is determined to be clinically indicated by a qualified addiction specialist;
6 (ii) involves the use of medication that is approved by the federal Food and Drug Administration
7 for treatment of a substance use disorder; and (iii) is offered in accordance with a treatment plan
8 that is reviewed by a qualified addiction specialist at a frequency consistent with appropriate
9 clinical standards. “Medication for addiction treatment” is sometimes referred to as “medication-
10 assisted treatment”, or “MAT”.

11 SECTION 2. Section 16 of said chapter 127, as so appearing, is hereby amended by
12 striking out in the second paragraph the words “who is committed for a term of 30 days’
13 imprisonment or more.” and inserting in place thereof the following:-

14 within 24 hours of admission to the facility. Regardless of whether the individual was
15 receiving medication for addiction treatment immediately prior to admission to the facility, the
16 examination shall include an assessment for treatment with medication for addiction treatment.

17 SECTION 3. Said chapter 127, as so appearing, is hereby further amended by striking out
18 section 17B and replacing it with the following:-

19 Section 17B. Medication-assisted treatment for substance use conditions for state
20 detainees or prisoners at correctional facilities.

21 (a) All correctional facilities, jails and houses of correction, in consultation with the
22 commissioner of public health, shall offer all medications for addiction treatment to a detained,
23 committed or incarcerated person, upon the recommendation of a qualified addiction specialist.
24 All correctional facilities, jails and houses of correction shall maintain or provide for the capacity
25 to possess, dispense, administer and secure all medications for addiction treatment; provided
26 however, that such facilities shall not be required to maintain or provide a medication for
27 addiction treatment that is not also a MassHealth covered benefit.

28 (b) No detained, committed or incarcerated person shall be denied medication for
29 addiction treatment on the basis of a positive drug screening upon entering custody or at any time
30 during the incarceration, detention or commitment of the person; nor shall any detained,
31 committed or incarcerated person receive a disciplinary infraction for a positive drug screening.
32 The medication for addiction treatment of a detained, committed or incarcerated person shall not

33 be discontinued due to any disciplinary infraction. A detained, committed or incarcerated person
34 may request medication for addiction treatment at any time during the incarceration, detention or
35 commitment of such detained, committed or incarcerated person.

36 (c) The commissioner and county sheriffs shall ensure that each detained, committed or
37 incarcerated person who was receiving medication for addiction treatment immediately
38 preceding incarceration, detention or commitment continues to have such treatment available as
39 soon as practicable, and in any event within 24 hours of admission to the facility, unless such
40 person voluntarily discontinues the treatment or unless a qualified addiction specialist
41 determines, based on individual medical need, that maintaining the same treatment is no longer
42 clinically indicated. Each detained, committed or incarcerated person shall receive the same dose
43 of the same medication that the person was receiving before incarceration, commitment or
44 detention, unless a qualified addiction specialist determines, based on individual medical need
45 and in consultation with the person, that a change in dose or medication is clinically indicated.

46 (d) The commissioner and county sheriffs shall ensure that each detained, committed or
47 incarcerated person who was not receiving medication for addiction treatment immediately
48 preceding incarceration, detention or commitment, and for whom medication for addiction
49 treatment is clinically indicated, shall be offered such medication within 24 hours of the
50 assessment required by section 16. The determinations of which medication to prescribe and the
51 dosage shall be made based on individual medical need in consultation with the patient.
52 Detained, committed or incarcerated persons shall be authorized to receive the medication for as
53 long as clinically indicated.

54 (e) All state and county correctional facilities shall ensure consistent and ongoing access
55 to a qualified addiction specialist by a detained, committed or incarcerated person.

56 (f) Treatment established under this section shall include behavioral health counseling for
57 individuals diagnosed with substance use disorder or substance use-related needs; provided,
58 however, that counseling services shall be consistent with current therapeutic standards for these
59 therapies in a community setting and shall not be a substitute for medication for addiction
60 treatment. The commissioner and county sheriffs may make such treatment available by directly
61 engaging qualified providers of substance use services, through collaboration with other
62 agencies, and by utilizing trained volunteers from community recovery programs.

63 (g) No incentives, rewards or punishments shall be used to encourage or discourage a
64 detained, committed or incarcerated person's decision to receive or decline medication for
65 addiction treatment, or any particular such medication.

66 (h) The commissioner of public health may promulgate regulations and guidelines
67 necessary to implement the treatment program under this section.

68 SECTION 4. Said chapter 127, as so appearing, is hereby further amended by striking out
69 Section 17C and replacing it with the following:-

70 Section 17C. Not later than 120 days prior to the expected discharge date of a person
71 detained, committed or incarcerated in a state prison or county facility, or within a reasonable
72 timeframe if the length of incarceration, detention or commitment is less than 120 days, but in
73 any event no less than 30 days prior to such expected discharge date, a qualified addiction
74 specialist shall establish a medically appropriate re-entry treatment plan for the person. A re-
75 entry treatment plan may include any treatment upon discharge that the qualified addiction

76 specialist shall recommend and deem appropriate, which may include, but shall not be limited to,
77 any medication for addiction treatment. A re-entry treatment plan shall ensure that a detained,
78 committed or incarcerated person is provided with a referral to an appropriate provider or
79 treatment site in the geographic region where the person will reside upon release, and that the
80 person receives not less than 2 doses of an opioid antagonist, along with education and
81 instruction about the use of opioid antagonists and where they can access opioid antagonists in
82 the community. The detained, committed or incarcerated person shall receive information on
83 available treatment facilities in their area, information on available housing and employment
84 resources and any other information that will assist the individual in continued recovery once
85 released. The commissioner and county sheriffs shall further ensure that, for a person with a re-
86 entry treatment plan under this section, the facility shall request reinstatement or apply for
87 MassHealth benefits for the person at least 30 days prior to release or shall use best efforts to
88 request such reinstatement of or apply for MassHealth benefits or other public assistance for the
89 person within a reasonable timeframe if the person's sentence, detention or commitment is less
90 than 30 days. Notwithstanding the foregoing, nothing in this section shall authorize a state prison
91 or county facility to extend a person's sentence, detention or commitment to comply with this
92 section. In the event the expected discharge date of a detained, committed or incarcerated person
93 serving a sentence to a state prison or county facility is less than 30 days following the start date
94 of said detained, committed or incarcerated person's sentence, detention or commitment, a
95 qualified addiction specialist shall use best efforts to establish a medically appropriate treatment
96 plan for the person prior to the expected discharge date.

97 The re-entry treatment plan shall be forwarded to the parole board and may be
98 incorporated into any treatment plan included within the terms and conditions of parole.

99 SECTION 5. Said chapter 127, as so appearing, is hereby amended by striking out
100 section 17D and replacing it with the following:-

101 (a) Every six months, on a schedule to be established by the department of public health,
102 the commissioner and the administrator of each county correctional facility shall report, in a
103 format determined by the commissioner of public health, to the commissioner of public health,
104 the house and senate committees on ways and means, the joint committee on mental health,
105 substance use and recovery, the joint committee on public safety and homeland security and the
106 joint committee on the judiciary the following information for the prior six months: (i) at the
107 time of the report, the number of persons in the custody of the facility receiving each medication
108 for addiction treatment, in total and disaggregated by dosage; (ii) the number of persons in the
109 custody of the facility, in any status, who continued to receive the same medication for addiction
110 treatment as they received prior to incarceration, detention or commitment, by medication type;
111 (iii) the number of persons in the custody of the facility, in any status, who discontinued
112 medication for addiction treatment that they received prior to incarceration, detention or
113 commitment by medication type; (iv) the number of persons in the custody of the facility, in any
114 status, who received a different medication for addiction treatment than they received prior to
115 incarceration, detention or commitment, by medication type; (v) the number of persons in the
116 custody of the facility, in any status, who received medication for addiction treatment who did
117 not receive such treatment prior to incarceration, detention or commitment, by medication type;
118 (vi) a summary of facility practices and any changes to those practices related to medication for
119 addiction treatment; (vii) the number of persons who were referred to treatment after release;
120 (viii) the number of nonfatal and fatal overdoses in the facility; (ix) the number of persons who
121 received a re-entry treatment plan under section 17C and were subsequently enrolled in

122 MassHealth upon discharge; provided, however, that the commissioner, the sheriffs, the
123 commissioner of medical assistance and the commissioner of public health shall coordinate to
124 provide such information; (x) the number of people who were provided 2 doses of an opioid
125 antagonist upon release; and (xi) any other information requested by the commissioner of public
126 health related to the provision of medication for addiction treatment.

127 (b) Every 2 years, not later than April 30, the commissioner of public health shall prepare
128 a report, pursuant to section 237 of chapter 111, regarding outcomes for the treatment programs
129 established under sections 17B and 17C to the house and senate committees on ways and means,
130 the joint committee on mental health, substance use and recovery, the joint committee on public
131 safety and homeland security and the joint committee on the judiciary. The department of
132 correction and county correctional facilities shall provide, upon request from the commissioner
133 of public health, information necessary to prepare the report. The report shall, to the extent
134 possible, provide a comparison between the detained, committed and incarcerated persons who
135 did not receive medication for addiction treatment and those who did, reported separately for
136 each medication type, in order to determine the impact of the treatment programs on the
137 following: (i) treatment retention after release; (ii) substance use after release; (iii) rates of
138 recidivism; (iv) rates of nonfatal and fatal overdose; and (v) other outcome measures identified
139 by the commissioner of public health.

140 SECTION 6. As soon as practicable, and in any event within 30 days of passage of this
141 legislation, all state and county correctional facilities shall assess for treatment with medication
142 for addiction treatment all detained, committed or incarcerated persons in their respective
143 institutions who have substance use-related needs but who are not currently receiving medication
144 for addiction treatment. Detained, committed or incarcerated persons for whom such medication

145 is clinically indicated shall be offered such medication within 24 hours of such assessment, and
146 such medication shall be prescribed and provided in a manner consistent with the provisions of
147 section 17B of chapter 127.

148 SECTION 7. Section 98 of chapter 208 of the acts of 2018 is hereby repealed.