

SENATE No.

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 establishing a naloxone purchase trust fund.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act establishing a naloxone purchase trust fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by inserting after section 244 the following section:-

3 Section 245. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Estimated cost", a projection of funds needed during a fiscal year for the purchase,
6 storage and distribution of opioid antagonists.

7 "Opioid antagonist", naloxone or any other drug approved by the federal Food and Drug
8 Administration as a competitive narcotic antagonist used in the reversal of overdoses caused by
9 opioids.

10 "Opioid antagonist distribution", the provision of opioid antagonists to healthcare
11 facilities including, but not limited to:

12 (i) acute care hospitals;

- 13 (ii) emergency departments;
- 14 (iii) substance use disorder treatment facilities; and
- 15 (iv) community health centers

16 provided that, opioid antagonists shall be offered to a patient who has (i) a history of
17 using opioids; (ii) been diagnosed with opioid use disorder; or (iii) experienced an opioid-related
18 overdose.

19 “Substance use disorder treatment facilities”, a facility licensed or approved by the
20 department or the department of mental health to offer treatment for substance use disorder,
21 including, but not limited to: (i) withdrawal management services; (ii) clinical stabilization
22 services; (iii) transitional support services; (iv) residential support services; (v) community
23 behavioral health center services; (vi) office-based opioid or addiction treatment services; or (vii)
24 inpatient or outpatient substance use disorder services.

25 (b) There shall be established in the commonwealth a separate trust fund to be known as
26 the Naloxone Purchase Trust Fund to support a universal purchase system for opioid antagonist
27 distribution in the commonwealth. The fund shall be expended to cover the costs of opioid
28 antagonist distribution. The fund shall consist of all monies transferred from the executive office
29 of health and human services pursuant to section 66 of chapter 118E, all money received as
30 voluntary contributions to the fund, including but not limited to contributions from third party
31 payers or third party administrators, as defined in section 1 of chapter 12C, and any interest
32 earnings on such monies. The fund shall be maintained by the commissioner of the department or
33 a designee. The monies shall be expended under the direction of the department, without prior
34 appropriation, solely to cover opioid antagonist distribution program costs; provided, however,

35 that the amount to be expended for storing and distributing opioid antagonists, if such costs are
36 not covered by federal contribution, shall not exceed 10 per cent of the total amount of the fund
37 expended for the purchase of naloxone needed for opioid agonist distribution in the
38 commonwealth. The department may incur expenses and the comptroller may certify for
39 payment amounts in anticipation of the most recent estimate of expected receipts, as certified by
40 the secretary of administration and finance; provided, however, that no expenditure shall be
41 made from the fund that shall cause the fund to be in deficit at the close of a fiscal year. Any
42 balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent
43 fiscal years and shall not be transferred to any other fund or revert to the General Fund. The
44 commissioner of the department or a designee shall annually report the amount of funds
45 collected and any expenditures made from the fund to the house and senate committees on ways
46 and means, the joint committee on public health and the joint committee on health care
47 financing.

48 (c) The department may adopt rules and regulations as necessary to implement the
49 universal purchase and distribution system under this chapter and other applicable state and
50 federal laws.