SENATE DOCKET, NO. 198 FILED ON: 1/18/2011

SENATE . . . . . No. 986

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to fresh air and the outdoors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	
William N. Brownsberger	
Christine E. Canavan	*10th Plymouth*
Sonia Chang-Diaz	
Paul J. Donato	*35th Middlesex*
James B. Eldridge	
Susan C. Fargo	
Sean Garballey	*23rd Middlesex*
Denise Provost	*27th Middlesex*
Joyce A. Spiliotis	*12th Essex*
Ellen Story	*3rd Hampshire*

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SENATE . . . . . No. 986

By Ms. Jehlen, petition (accompanied by bill, Senate, No. 986) of Story, Spiliotis, Provost and other members of the General Court for legislation to allow daily access to fresh air to persons receiving services from the Department of Mental Health. [Joint Committee on Mental Health and Substance Abuse].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2280* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to fresh air and the outdoors.

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 23 of chapter 123 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after subparagraph (e) the following subparagraph:-

(f) reasonable access to daily fresh air at inpatient facilities in a manner consistent with such person's clinical condition and safety. The department shall promulgate regulations defining what shall constitute reasonable access.

SECTION 2. Said section 23, as so appearing, is hereby further amended by striking out, in line 68, the word "(e)" and inserting the following word:- (f)

9 SECTION 3. Said section 23, as so appearing, is hereby further amended by inserting

10 after the word “(c)”, in line 71, the following words:- and (f)