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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, May 13, 2014.

Met according to adjournment at one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, two Pakistani professionals who traveled to the United States as participants in the U.S./Pakistan Professional Partnership Program for Public Administrators. The goal of this program is to place young Pakistani professional administrators in a six week practical work environment to observe how the U.S. municipal government functions, to develop new professional skills in public administration, to foster lasting professional and interpersonal relations with their American counterparts and to take what they have learned back home with them to apply it to building a better and stronger municipal government for Pakistan. The two professionals visiting the State House were Sadaf Khokhar, a judicial officer working for Sindh High Court and Tabinda Shaheen, an officer of "Inland Revenue", who deals with the policies, administration and collection of public revenues. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Joseph A. O'Keefe, Sr., the Ward 7 City Councilor from Salem and member of the Board of Directors for the MMA.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Eldridge, a petition (accompanied by bill, Senate, No.2137) of James B. Eldridge and Jennifer E. Benson (by vote of the town) for legislation to manage the other post-employment benefits liability of the town of Harvard [Local approval received]; and

Under Senate Rule 20, to the committee on Public Service.

By the same Senator, a petition (accompanied by bill, Senate, No.2138) of James B. Eldridge and Jennifer E. Benson (by vote of the town) for legislation relative to community shared solar energy systems in the town of Harvard [Local approval received];

Under Senate Rule 20, to the committee on Revenue.

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE

Report of the committee on Health Care Financing asking to be discharged from further consideration of the House Bill relative to the labeling of seed (House, No. 3996),-- **and recommending that the same be referred to the committee on House Ways and Means,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence in so much as relates to the discharge of the joint committee.**

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at nine minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Reports of a Committee.

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain bridge in the city of Easthampton as the Korean War Veterans Memorial Bridge (Senate, No. 1675).

There being no objection, the rules were suspended, on motion of Mr. Humason, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain underpass in the town of Mansfield as the Patrolman Walter P. Langley Memorial Underpass (House, No. 3922, amended).

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4077) of Paul R. Heroux relative to the prevention of financial exploitation of the elderly,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

The Senate Order relative to granting the joint committee on Municipalities and Regional Government, until March 31, 2014, within which time to make its final report on current Senate document numbered 970, relative to local road safety (Senate, No. 2060) came from the House, adopted, in concurrence with an amendment striking out the words "March 31" and inserting in place thereof the words "May 21".

The rules were suspended, on motion of Ms. Forry, and, after remarks, the Senate concurred in the House amendment.

The Senate Order relative to granting the joint committee on Veterans and Federal Affairs, be granted until May 1, 2014, within which time to make its final report on current Senate documents numbered 1692 and 1749, relative to Veterans Affairs (Senate, No. 2057) came from the House adopted, in concurrence with an amendment striking out the words "May 1" and inserting in place thereof the words "May 16".

The rules were suspended, on motion of Mr. Rush, and the Senate concurred in the House amendment.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing be granted until Monday, June 30, 2014, within which time to make its final report on current Senate documents numbered 287, 288, 291, 303, 503, 504, 511, 530, 540, 542, 550, 554, 556, 557, 1049, 1062, 1100, 1817, 1931, 1932, 1933, 2074, 2075, and 2076, and House documents numbered 76, 77, 120, 555, 846, 884, 1008, 1015, 1021, 1023, 1024, 1039, 1041, 1042, 1752, 1788, 1799, 1813, 1817, 1889, 1914, 1918, 1939, 1944, 1949, 1966, 1981, 1986, 2021, 2027, 2068, 2073, 2083, 2085, 2174, 3595, 3634, 3715, 3726, 3741, 3761, 3804, 3972, 3973, 3975, 3977, and 4024.

The rules were suspended, on motion of Mr. Welch, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Monday, June 30, 2014, within which time to make its final report on current Senate documents numbered 422, 448, 483, 1912, and 1977, and House documents numbered 836, 845, 876, 973, 981, 986, and 989.

The rules were suspended, on motion of Mr. Petrucci, and, the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Monday, June 30, 2014, within which time to make its final report on current Senate documents numbered 1324, 1327, 1334, 1354, and 1372, and House documents numbered 2568, 2689, 2695, 2752, and 3840.

The rules were suspended, on motion of Mr. Rodrigues, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Matter Taken Out of the Notice Section.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:
The House Bill relative to the powers of the Boston Fair Housing Commission (House, No. 3625),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the charter of the town of Bellingham (Senate, No. 2066);
Relative to the financing and construction of a sanitary sewer extension in the town of Hardwick (Senate, No. 2081); and
Relative to the financial condition of the city of North Adams (Senate, No. 2089);
Were severally read a second time and ordered to a third reading.

The Senate Bill to reduce prescription drug tampering and abuse (Senate, No. 1965, changed),-- **was read a second time.**
After remarks, pending the question on adoption of the Health Care Financing new draft (Senate, No. 2100), pending the question on adoption of the Ways and Means new draft substituting a new draft entitled "An Act to increase opportunities for long term substance abuse recovery: (Senate, No. 2133), and pending the main question on ordering the bill to a third reading, Mr. Michael O. Moore moved to amend the proposed new draft by inserting after section ____, the following new section:-

"SECTION _____. Class C of section 31 of chapter 94C, as appearing in the 2012 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:-

(f) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any Cannabimimetic Agents that meet the criteria of any one or more of paragraphs (a) through (t) and any substance within the structural classes identified below that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays:

(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(b) 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(d) 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

Such Cannabimimetic Agents include, but are not limited to:

(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl) indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl) indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl) indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl) indole (JWH-250);

(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)] indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl) indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl) indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole (AM694);

(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl] indole (SR-19 and RCS-4);

(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl) indole (SR-18 and RCS-8); and

(xv) 1-pentyl-3-(2-chlorophenylacetyl) indole (JWH-203)."

The amendment was *rejected*.

Mr. Brownsberger moves to amend the proposed new draft by adding the following new language in section 16 after the words "in a manner determined by the commissioner of public health" in line 161:- "On a monthly basis, acute hospitals, as defined in Section 64 of Chapter 118E of the General Laws, shall file a report with the commissioner on public health in a manner determined by the commissioner of public health. This report shall include the number of infants born in the previous month identified by the hospital as having been exposed to a schedule II through schedule VI, inclusive, controlled substance, under Chapter 94C, as well as the number and specific causes of hospitalizations caused by ingestion of a schedule II, through schedule VI, inclusive, controlled substance, under Chapter 94C."

After remarks, the amendment was adopted.

Messrs. Michael O. Moore and Tarr move to amend the proposed new draft by inserting after section ____, the following new section:-

“SECTION _____. Section 31 of Chapter 94C of the General Laws, as appearing in the 2013 Official Edition, is hereby amended by adding the following:-

A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of this section as a controlled substance.

For the purposes of this section, the term ‘controlled substance analog’ shall mean a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to Schedule I or II and:

(A) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II;

(B) or with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(C) Such term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Federal Food, Drug, and Cosmetic Act to the extent conduct with respect to the substance is permitted by the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past two o’clock P.M., on motion of Mr. Michael O. Moore, as follows, to wit (*yeas 6 – nays 33*) [**Yeas and Nays No. 295**]:

YEAS.

Hedlund, Robert L.	Moore, Richard T.
Humason, Donald F., Jr.	Ross, Richard J.
Moore, Michael O.	Tarr, Bruce E. – 6.

NAYS.

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Brownsberger, William N.	Lewis, Jason M.
Candaras, Gale D.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony

Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Finegold, Barry R.	Spilka, Karen E.
Flanagan, Jennifer L.	Timilty, James E.
Forry, Linda Dorcena	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 33.
Joyce, Brian A.	

The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., the amendment was *rejected*.

Messrs. Michael O. Moore and Donnelly moved to amend the proposed new draft in section 5 by striking out, in line 82, the words "at least 2" and inserting in place thereof the following word:- "any".

The amendment was adopted.

Mr. Michael O. Moore moved to amend the proposed new draft by inserting after section ____, the following new section:-
 "SECTION _____. Chapter 12C of the General Laws is hereby amended by inserting after section 16 the following new section:
 Section 16C. Notwithstanding any special or general law to the contrary, the center for health and information and analysis, in consultation with the division of insurance, shall conduct an analysis on access, utilization and cost drivers for behavioral health services in the commonwealth, measuring access to care across the behavioral health continuum of care, trends in utilization of services across the continuum of care, and payment rates by public and private payers. The center shall analyze and compare the Massachusetts results with both national and regional behavioral health data.

As part of its report, the center shall report on price variation between behavioral health care providers, by payer and provider type and whether such variation impacts access to mental health and substance abuse services.

The center shall work with MassHealth to collect mental health and substance abuse claims data in a manner that is consistent with the data collected by the center from health plans pursuant to section 10 of this chapter.

The center shall publish and provide a copy of the report to health policy commission, the house and senate committees on ways and means and the joint committee on mental health and substance abuse and the joint committee on health care financing no later than October 1, 2014. The center may contract with an outside organization with expertise in issues related to this subject matter to produce this report."

The amendment was *rejected*.

Mr. Michael O. Moore moved to amend the proposed new draft by striking out section 39 and inserting in place thereof the following section:-

"SECTION 39. The center for health information and analysis shall conduct a review and evaluation of the mandated insurance benefits in sections 9, 10 and 23 to 31, inclusive, of this act, pursuant to section 38C of chapter 3 of the General Laws; provided, that said report shall include an estimate of costs to the state Medicaid program and contracted Medicaid managed care organizations and senior care organizations under Chapter 118, and cost to the state under 45 C.F.R. § 155.170, and any premium subsidies that the state is providing in addition to those under the Affordable Care Act. The center shall also examine and report on: The extent to which these additional mandates will impact the affordability of Connector coverage; The extent to which ERISA preemption of these mandates will result additional in costs to the merged market under Chapter 176J.

The Center shall examine and report to the Health Policy Commission on the impact that the cost of this act will have on the ability of the Commonwealth to meet the health care cost growth benchmark established under section 9 of chapter 6D.

The review and evaluation shall be posted on the center's website and shall be filed with the clerks of the senate and the house of representatives, the joint committee on financial services, the joint committee on health care financing and the house and senate committees on ways and means, not later than 120 days from the effective date of this act."

The amendment was *rejected*.

Mr. Michael O. Moore moved to amend the proposed new draft in section 1, by inserting after the words “outpatient services”, in line 4, the following words:- “including medically assisted therapies”;

In section 9, by inserting after the words “outpatient services”, in line 130, the following words:- “including medically assisted therapies”;

In section 25, by inserting after the words “outpatient services”, in line 318, the following words:- “including medically assisted therapies”;

In section 27, by inserting after the words “outpatient services”, in line 352, the following words:- “including medically assisted therapies”;

In section 29, , by inserting after the words “outpatient services”, in line 388, the following words:- “including medically assisted therapies”; and

In section 31, by inserting after the words “outpatient services”, in line 423, the following words:- “including medically assisted therapies”.

The amendment was adopted.

Mr. Tarr, Ms. Lovely, and Ms. Candaras moved to amend the proposed new draft by inserting at the end thereof the following new section:-

“SECTION X. Section 19 of Chapter 17 of the General Laws is hereby amended by striking the section in its entirety and inserting in its place the following new section:

Section 19. Regulations relative to coordination of care and discharge planning for substance use treatment programs subject to licensure or approval

Section 19. The department shall promulgate regulations relative to coordination of care and management that includes effective discharge planning for substance abuse treatment programs subject to licensure or approval under sections 24 and 24D of chapter 90, sections 6 and 6A of chapter 111B and section 7 of chapter 111E. The regulations shall include, but not be limited to the following requirements:

(1) provide enhanced care coordination and management that includes effective discharge planning, that engages and educates the patient and the patient’s outpatient medical and psychiatric providers to ensure continuity of care;

(2) provide a discharge plan to each client leaving a licensed substance abuse treatment program that shall include recommended follow-up treatment, contact information for shelters in the area, additional resources for substance abuse treatment and workforce options, and providing and linking to community and social supports; and information on family support services

(3) provide patient-centric treatment that is individualized based on the patient’s past history of treatment, medical history, psychiatric history, and socialize history;

(4) facilitate transitions from more intensive to less intensive treatment based on the patient’s needs and response to treatment;

(5) upon admission, acquire informed consent from each patient regarding the risk and benefit of all MAT treatment options, as well as the risk and benefit of non-treatment; and

(6) provide regular monitoring of patients’ behavior and addressing relapse risks;”.

After remarks, the amendment was adopted.

Mr. Richard T. Moore moved to amend the proposed new draft in section 37 by inserting after “including appropriate data collection and sharing activities” the following:- “(3) an evaluation of the availability of medicated assisted opiod therapy such as methadone, buprenorphine and extended-release naltrexone in Critical Stabilization Services including insurance coverage, regulatory or licensure barriers to access such medications prior to discharge, including recommendations for changes to ensure patient access.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new draft by inserting after section 23 the following new section:-

“SECTION 24. Section 35 of Chapter 123 as appearing in the 2012 Official Edition is hereby amended by inserting at the end thereof the following- If a physician determines that a person is an alcoholic or substance abuser as defined in this section, the person may petition the department of public health to be committed in lieu of a court order as established under this section. The department of public health shall grant the petition upon finding that the person is an alcoholic or substance abuser and that the person provides informed written consent including being provided the opportunity for consultation with an attorney, or a person who is working under the supervision of an attorney, concerning the legal effect of a voluntary admission. The department shall promulgate regulations necessary to carry out the provisions of this paragraph.”

After debate, the amendment was *rejected*.

Mr. Tarr moved to amend the proposed new draft by inserting at the end thereof the following new section:

“SECTION __. Notwithstanding any general or special law to the contrary the bureau of substance abuse services shall create a public facing dashboard. This dashboard shall report on, but not be limited to 1) consumer satisfaction with provided substance abuse services, and 2) key outcomes-based measurers, including but not limited to relapse, return to work, utilization of medication assisted treatment and case management, and other key outcomes with consideration to individual patient acuity as defined in regulation. Said dashboard shall be in place by no later than June 30, 2015.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 4 – nays 35*) [**Yeas and Nays No. 296**]:

YEAS.

Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. – 4.

NAYS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the amendment was *rejected*.

Ms. Candaras moved that the proposed new draft be amended by inserting the following new section:-

"SECTION XX: Notwithstanding any general or special law to the contrary, the department of public health shall promulgate regulations requiring any programs that are subject to licensure or approval under chapter 111B, 111E and section 24 of chapter 90, facilities or programs required to comply with the requirements of 105 CMR 164.000, services provided by practitioners that provide opioid agonist therapy; and alcohol and drug counselors subject to licensure under chapter 111J shall be required to provide, at the time of an individual's admission into substance abuse treatment, information on family support services. For the purposes of this section the term 'family support services' shall be defined as any service that provides family or group therapies and/or social and/or educational services for adults and adolescents."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes before three o'clock P.M., on motion of Ms. Candaras, as follows, to wit (*yeas 39 – nays 0*) [Yeas and Nays No. 297]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 39.

Keenan, John F.

NAYS – 0.

The yeas and nays having been completed at eight minutes before three o'clock P.M., the amendment was adopted.

Messrs. Timilty and Donnelly moved to amend the proposed new draft in section 33, by inserting, in line 479, after the word “economist” the following:- “, a physician specializing in pain management”.

The amendment was **adopted**.

Mr. Richard T. Moore moved to amend the proposed new draft in section 1, by inserting after the word “services” the first time in appears, in lines 4, the following words:- “for substance use disorder treatment”;

In section 9, by inserting after the word “services” the first time in appears, in lines 130, the following words:- “for substance use disorder treatment”;

In section 25, by inserting after the word “services” the first time in appears, in lines 318, the following words:- “for substance use disorder treatment”;

In section 27, by inserting after the word “services” the first time in appears, in lines 352, the following words:- “for substance use disorder treatment”;

In section 29, by inserting after the word “services” the first time in appears, in lines 388, the following words:- “for substance use disorder treatment”; and

In section 31, by inserting after the word “services” the first time in appears, in lines 423, the following words:- “for substance use disorder treatment”.

The amendment was **adopted**.

Mr. Richard T. Moore moved to amend the proposed new draft in section 1, by striking out, in line 23, the words “enabling transitions from more intensive to less intensive treatment” and inserting in place thereof the following words:- “enabling successful transitions from more intensive to less intensive treatment, based on the medical needs of the patient”; and in said section 1, by striking out, in line 49, the words “from time to time,” and inserting in place thereof the following words:- “upon application for recertification and at other times as required by the commission”.

The amendment was **adopted**.

Mr. Joyce, Ms. Lovely, Mr. Montigny, Ms. Forry, Messrs. Rodrigues, Eldridge, Donnelly and Wolf and Ms. Chang-Diaz moved that the proposed new draft be amended by inserting at the end thereof the following new sections:

“SECTION __. Chapter 256 of the Acts of 2008 by is hereby amended by adding at the end thereof the following section:-

SECTION 18. A person or entity may bring an action in Superior Court for a violation of this chapter G.L. c. 175, §47B; G.L. c. 176A, §8A; G.L. c. 176B, §4A; G.L. c. 176G, §4M.; G.L. c. 32A § 22; or applicable regulations including, but not limited to, 211 CMR 154. If the court finds for the petitioner, the recovery for such actions shall include, but shall not be limited to, treble damages, court costs, and attorneys’ fees. In addition, the court shall award such other equitable relief as it deems to be necessary and proper.

Any persons entitled to bring such action may, if the violation of parity has caused similar denial of insurance coverage for services to numerous other persons similarly situated and if the court finds in a preliminary hearing that he adequately and fairly represents such other persons, bring the action on behalf of himself and such other similarly injured and situated persons; the court shall require that notice of such action be given to unnamed petitioners in the most effective, practicable manner. Such action shall not be dismissed, settled or compromised without the approval of the court, and notice of any proposed dismissal, settlement or compromise shall be given to all members of the class of petitioners in such a manner as the court directs.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past three o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 14 – nays 25) [Yeas and Nays No. 298]:

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Candaras, Gale D.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Jehlen, Patricia D.	Wolf, Daniel A. – 14.

NAYS.

Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Moore, Michael O.
Chandler, Harriette L.	Moore, Richard T.
Creem, Cynthia Stone	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Keenan, John F.	Welch, James T. – 25.
Kennedy, Thomas P.	

The yeas and nays having been completed at six minutes past three o'clock P.M., the amendment was *rejected*.

Mr. Joyce moved to amend the proposed new draft by inserting at the end thereof the following new section:
 “SECTION __. Chapter 369 of the Acts of 2012 is hereby further amended by inserting at the end thereof the following new section:-

Section 18. Marijuana shall not be considered a medicine under section 6(1) of chapter 64H of the General Laws.”

The President ruled that this amendment was unconstitutional because the Senate may not initiate revenue-raising amendments

and, as such, this amendment was laid aside.

Ms. Creem moved to amend the proposed new draft by inserting after section 45 the following section:-

"SECTION 45A. There shall be a commission to study and examine substance abuse treatment programs and providers within the correctional system in the commonwealth. The commission shall consist of: the secretary of administration and finance, or a designee; the commissioner of public health, or a designee; the director of the office of Medicaid, or a designee; the director of the bureau of substance abuse services, or a designee; the commissioner of the department of correction, or a designee; the chair of the parole board, or a designee; the commissioner of probation, or a designee; a representative from the Massachusetts sheriffs' association; a representative from Prisoners' Legal Services of Massachusetts; a representative from the American Civil Liberties Union of Massachusetts; the senate chair of the joint committee on public safety and homeland security; 1 senator appointed by the senate minority leader; 1 representative appointed by the speaker of the house; and 1 member of the house of representatives appointed by the house minority leader.

The commission shall investigate ways to improve and expand programs to treat incarcerated individuals with substance addictions. The investigation shall include, but not be limited to: (i) a survey of the statewide system, including existing programs in prisons and houses of correction; (ii) an analysis comparing capacity to need at each prison and house of correction; (iii) standards for certification and evaluation of such programs and treatments, based on evidence and research; (iv) the cost associated with conducting substance abuse screenings of all newly admitted persons to prisons and houses of correction, and making treatment available to all such persons who request it; and (v) research into possible funding sources for such programs, including Medicaid funding for eligible participants.

The commission shall file a report on its findings and recommendations, together with any draft legislation, with the clerks of the house of representatives and the senate, the chairs of the joint committee on health care financing, the chairs of the joint committee on public safety and homeland security, and the house and senate committees on ways and means, not later than March 15, 2015."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past three o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 39 – nays 0*) [**Yeas and Nays No. 299**]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.

Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 39.
Keenan, John F.	

NAYS – 0.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the amendment was adopted.

Mr. Ross moved to amend the proposed new draft by striking out section 46, and inserting in place thereof the following section:-
 “SECTION 46. Sections 9, 10, and 23 to 31, inclusive, shall not take effect until such time as the center for health information and analysis has furnished its review and evaluation of the estimated costs to the state under 45 C.F. R. §155.170 to the clerks of the senate and the house of representatives and the house and senate committees on ways and means, under section 39 of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past three o'clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 4 – nays 35*) [**Yeas and Nays No. 300**]:

YEAS.

Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. – 4.

NAYS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.

Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., the amendment was *rejected*.

Mr. Brewer moved to amend the proposed new draft in section 1, by striking out, in line 16, the word "chapter 111B, 111E and section 24" and inserting in place thereof the following words:- "chapters 111B and 111E and sections 24 and 24D";

In section 1, by striking out, in lines 29 to 31, inclusive, the words "and shall not be affiliated or receive remuneration from a health plan or substance use disorder treatment provider in the commonwealth";

In section 9, by inserting after the word "treatment" the second time it appears, in line 139, the following words:- "provided in a medically managed or medically monitored facility";

In said section 9, in proposed section 17N of chapter 32A of the General Laws, by adding the following paragraph:- "Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.";

In section 10, by striking out, in line 152, the figure "2102" and inserting in place thereof the following figure:- "2012";

In section 23, by inserting after the word "treatment" the second time it appears, in line 292, the following words:- "provided in a medically managed or medically monitored facility";

In said section 23, in proposed section 10H of chapter 118E of the General Laws, by inserting after the word "division", in lines 300 and 302, each time it appears the following words:- "and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third party administrators under contract to a Medicaid managed care organization or primary care clinician plan";

In said section 23, by adding the following paragraph:- "Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.";

In section 25, by inserting after the word "treatment" the second time it appears, in line 326, the following words:- "provided in a medically managed or medically monitored facility";

In said section 25, in proposed section 47GG of chapter 175 of the General Laws, by adding the following paragraph:- "Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.";

In section 27, by inserting after the word "treatment" the second time it appears, in line 361, the following words:- "provided in a

medically managed or medically monitored facility”;

In said section 27, in proposed section 8II, by adding the following paragraph:- “Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.”;

In section 29, by inserting after the word “treatment” the second time it appears, in line 397, the following words:- “provided in a medically managed or medically monitored facility”;

In said section 29, in proposed section 4II of chapter 176B of the General Laws, by adding the following paragraph:- “Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.”;

In section 31, by inserting after the word “treatment” the second time it appears, in line 431, the following words:- “provided in a medically managed or medically monitored facility”;

In section 31, in proposed section 4AA of chapter 176G of the General Laws, by adding the following paragraph:- “Medical necessity shall be determined by the substance use disorder treatment facility or the treating clinician in consultation with the patient.”;

In section 39, by striking out, in line 545, the figure “23” and inserting in place thereof the following figure:- “24”;

By inserting after said section 39 the following section:-

“SECTION 39A. The division of medical assistance shall conduct a review and evaluation of the mandated benefit in section 23 and shall file a report with the clerks of the senate and the house of representatives and the house and senate committees on ways and means, not later than 90 days from the effective date of this act. The report’s analysis and evaluation of the mandated benefit in said section 23 shall include, but not be limited to: the financial impact to the commonwealth of mandating the benefit, including the extent to which the proposed coverage would increase or decrease the cost of the treatment or service over the next 5 years; the extent to which the proposed coverage might increase the appropriate or inappropriate use of the treatment or service over the next 5 years; the extent to which the mandated treatment or service might serve as an alternative for more expensive or less expensive treatment or service; the extent to which the coverage may affect the number and types of providers of the mandated treatment or service over the next 5 years; the effects of mandating the benefit on the cost of health care; the cost to health care consumers of not mandating the benefit in terms of out of pocket costs for treatment or delayed treatment; the effect on the overall cost of the health care delivery system in the commonwealth; and the medical efficacy of mandating the benefit, including the impact of the benefit to the quality of patient care and the health status of the population and the results of any research demonstrating the medical efficacy of the treatment or service compared to alternative treatments or services or not providing the treatment or service. The division of medical assistance shall consult with the center for health information and analysis in creating the report to maximize opportunities for administrative simplification.”;

By adding the following section:-

“SECTION 47. Sections 13, 21 and 22 shall take effect 6 months from the effective date of this act.”; and

By inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith the opportunities for long-term substance abuse recovery, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.”

The amendment was **adopted**.

The Ways and Means amendment was then adopted, as amended.

The Health Care Financing amendment was then adopted, as amended.

The bill (Senate, No. 2142) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes before four o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 40 – nays 0*) [**Yeas and Nays No. 301**]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.

Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Murray, Therese
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Finegold, Barry R.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 40.

NAYS – 0.

**The yeas and nays having been completed at twenty-three minutes before four o'clock P.M., the bill (Senate, No. 2142) was passed to be engrossed.
Sent to the House for concurrence.**

Order Adopted.

On motion of Mr. Pacheco,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

Adjourn In Memory of John T. Mahan

Senators Chandler, Flanagan and Brewer moved that when the Senate adjourns today, it do so in memory of John T. Mahan of Clinton.

John Thomas Mahan of Clinton passed away peacefully at the age of 84 on May 6, 2014.

A lifelong resident of Clinton, John T. Mahan proudly served with the United States Navy during the Korean War era as a newspaperman in Cuba, France, Italy and other countries. For many years until his retirement he was employed by the Metropolitan District Commission, where he managed the State's Employee Assistance Program and twice received the

Governor's Pride and Performance Award. Additionally, he received the State Pride and Performance Award from then-Governor Dukakis for his work with those suffering from addiction.

He was a member of St. John the Guardian of Our Lady Parish, the Clinton James R. Kirby Post 50, the American Legion, the Clinton VFW, the Catholic War Veterans and the Clinton Lodge of Elks. In addition, since 1995 he was a member of the Retired Men's Club of Greendale. He was also a member of the Massachusetts Baseball Coaches Hall of Fame.

He is survived by four sisters, Grace Lynch of Clinton, Dorothy Carmia of West Boylston, Mary Duckett of Chicago, Illinois and Eleanor Barker of Bogaloussa, Louisiana. He was pre-deceased by eight siblings.

A funeral Mass was held in Clinton on Saturday May 10.

Accordingly, as a mark of respect in memory of John T. Mahan, at twenty minutes before four o'clock P.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Thursday next at one o'clock P.M.