

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Thursday, October 1, 2015.

Met at five minutes past eleven o'clock A.M.

The Senator from Essex and Middlesex, Mr. Tarr, led the members, guests and staff in the recitation of the pledge of allegiance to the flag.

#### *Communication.*

The following communications were severally received and placed on file, to wit:

Communication from the Joint Committee on Tourism, Arts and Cultural Development (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2015-2016 legislative session (received Wednesday, March 6, 2015); and

Communication from the Rose Fitzgerald Kennedy Greenway Conservancy (under the provisions of Section 7 of Chapter 306 of the Acts of 2008) submitting its report "Goals & Results & FY15 (18M) Budget Proposed for Approval" (received September 30, 2015).

#### *Reports.*

The following reports were severally received and placed on file, to wit:

Report of the Department of Utilities (pursuant to Section 9 of Chapter 149 of the Acts of 2014) submitting its report addressing the prevalence of gas leaks in the natural gas system (received September 24, 2015);

Report of the Group Insurance Commission (pursuant to Section 21 of Chapter 32A of the General Laws) submitting its Vendor Quality Improvement Report for FY15 (received September 29, 2015); and

Report of Massachusetts Technology Collaborative (pursuant to Line Item 7007-1202 of Chapter 46 of the Acts of 2015) submitting its Three-Year Strategic Plan and Annual Report of the Massachusetts Computer Attainment Network (MassCAN) (received September 30, 2015).

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Ms. Gobi, a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi and Susannah M. Whipps Lee for legislation to establish a sick leave bank for Wallace Seward, an employee of the Massachusetts Department of Correction; and  
By Ms. Jehlen, a petition (accompanied by bill) (subject to Joint Rule 12) of Patricia D. Jehlen and Christine P. Barber for legislation to establish a sick leave bank for Lisa Magno, an employee of the Department of Revenue;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Report of a Committee.*

By Mrs. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the establishment of a county stabilization fund (Senate, No. 1064); and  
By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to state contracting (Senate, No. 1628);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mrs. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill relative to solar drying of laundry (Senate, No. 1056);  
**Read and, under Senate Rule 26, referred to the committee on Rules.**

By Mrs. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 1991) [Local approval received];  
**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### PAPERS FROM THE HOUSE

A Message from His Excellency the Governor recommending legislation relative to validating the actions taken at the annual town election held in the town of Dudley (House, No. 3778),-- **was referred, in concurrence, to the committee on Election Laws.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3783) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on premises;  
**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3784) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Shirley be authorized to conduct recall elections;  
**To the committee on Election Laws.**

#### *Bills*

Establishing a sick leave bank for Deborah Clay, an employee of the Trial Court (House, No. 3764, amended,-- on petition); and Making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3785,-- on House, No. 3676, in part);  
**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means**

#### *Bills*

Designating a certain bridge in the city of Boston as the P.F.C. Alvin Richard Gale memorial bridge (House, No. 3083,-- on petition); and  
Relative to the retirement benefits of the surviving beneficiary of Francis X. Noe (House, No. 3777,-- on House, No. 3376);  
**Were severally read and, under Senate Rule 26, referred to the committee on Rules.**

A Bill relative to preliminary elections for certain offices in the city of Lawrence (House, No. 3598,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Wendy Savary, an employee of the Department of Unemployment Assistance (see House No. 3750, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.**  
**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Marian Grant, an employee of the Trial Court (see House No. 3751), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.**  
**The bill was signed by the President and sent to the House for enactment.**

#### *Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Authorizing the town of Sturbridge to grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 30, amended); and  
Increasing the expenditure limit of the Fire Department Emergency Medical Services Revolving Fund in the town of Somerset (see House, No. 3573).

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Messrs. Moore and Lesser, Ms. Gobi, Messrs. Lewis and Brownsberger, Ms. Donoghue, Ms. Chandler, Ms. Spilka, Mr. Ross, Ms. Creem, Messrs. Fattman, deMacedo and Pacheco, Ms. Lovely, Mr. DiDomenico and Mrs. L'Italien) "promoting the relationship between the State of Israel and the Commonwealth;  
Resolutions (filed by Mr. Rosenberg) "congratulating Associated Industries of Massachusetts, Inc. upon the celebration of its one hundredth anniversary"; and  
Resolutions (filed by Messrs. Rush and Ross) congratulating Don Brock on his retirement."

**PAPERS FROM THE HOUSE.**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3787) of Peter J. Durant and others relative to the age of consent in certain civil actions for sexual assault and rape of a child by certain employees or contractors; and  
Petition (accompanied by bill, House, No. 3788) of Peter J. Durant and others relative to the age of consent in certain criminal prosecution for sexual assault and rape of a child by certain employees or contractors;  
**Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 3789) of legislation to authorize the town of Lakeville to convey certain parcels of land to the city of Taunton;  
**Under suspension of Joint Rules 9 and 12, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 3790) of Josh S. Cutler and others relative to the privacy of death certificates;  
**Under suspension of Joint Rule 12, to the committee on Public Health.**

Petition (accompanied by bill, House, No. 3791) of Todd M. Smola and Anne M. Gobi for legislation to establish a sick leave bank for Shannon Griffin, an employee of the Department of Developmental Services;  
**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 3792) of Jennifer E. Benson and James B. Eldridge that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the town of Acton for general municipal purposes;  
**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Petition (accompanied by bill, House, No. 3793) of Josh S. Cutler and James M. Cantwell for legislation to authorize the Registry of Motor Vehicles to voluntarily issue driver's licenses and special identification card designations to persons with intellectual disabilities or autism spectrum disorder;  
Petition (accompanied by bill, House, No. 3794) of Carole A. Fiola for legislation to designate a certain overpass in the city of Fall River as the Patrolman Edward Joaquin memorial overpass; and  
Petition (accompanied by bill, House, No. 3795) of Timothy R. Whelan for legislation to designate a certain overpass in the town of Barnstable as the Louis Karras overpass;  
**Severally, under suspension of Joint Rule 12, to the committee on Transportation.**

*Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The House Bill exempting the position of auditor in the city of Woburn from the civil service law (House, No. 3354, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Melrose to grant licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3713, amended) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third**

**time.**

Pending the question on passing the bill to be engrossed, Mr. Lewis moved that the bill be amended in section 1, by inserting after the word "Laws" the following words:- " , section 1 of chapter 327 of the acts of 2008 relative to the granting of licenses for the sale of all alcoholic beverages to be drunk on the premises"; and in said section 1, by adding the following sentence:- "License granted pursuant to this act shall be subject to all of said chapter 138 except section 17."

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

The Senate Bill authorizing the town of Mount Washington to establish, own, and operate broadband infrastructure and services and to issue bonds or notes therefor (Senate, No. 1978),-- **was read a second time and ordered to a third reading.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

**PAPERS FROM THE HOUSE**

*Engrossed Bills.*

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Wendy Savary, an employee of the Department of Unemployment Assistance (see House, No. 3750, amended); and

Establishing a sick leave bank for Marian Grant, an employee of the Trial Court (see House, No. 3751).

At a quarter past eleven o'clock A.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at eighteen minutes past eleven o'clock A.M., a quorum was declared present.

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*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern (Senate, No. 603),-- **was considered, the main question being on ordering the bill to a third reading.**

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, Ms. Lovely and Mr. Joyce moved that the proposed new draft be amended by inserting the following new section:- "SECTION XX. The secretary of the executive office of health and human services shall monitor access to behavioral health services for MassHealth members for a period of two years and shall report semiannually to the Attorney General, The Joint Committee on Mental Health and Substance Abuse and the House and Senate Committees on Ways and Means. The report shall include an analysis of benchmarks developed in consultation with the center for health information and analysis, provider associations, consumers and health plans and a comparison of benchmarked data covering Fiscal Years 2013 and 2014. Said benchmarks shall include but not be limited to the number and types of behavioral health providers who participate in public health insurance programs, the number of administrative steps necessary to get access to care, readmissions to inpatient levels of care, utilization and prior authorization requirements, complaints and grievances."

The amendment was *rejected*.

Messrs. Joyce and Montigny and Mrs. L'Italien moved that the proposed new draft be amended by inserting after section 38 the following 3 sections:-

"SECTION 39A. Section 17 of chapter 176O of the General Laws, as amended by section 72 of chapter 35 of the acts of 2013, is hereby further amended by inserting after the word 'inclusive', in line 2, the following words:- ' , and 24A'.

SECTION 39B. Subsection (b) of section 24 of said chapter 176O, as appearing in the 2012 Official Edition, is hereby amended by adding the following sentence:- The decision on the appeal shall prominently provide information on the patient's right to appeal the decision to the office of patient protection including, but not limited to: (A) contact information for the office of patient protection; (B) a notice of a patient's right to file a grievance with the office of patient protection; and (C) information on how to file a grievance with the office of patient protection.

SECTION 39C. Said chapter 176O is hereby further amended by inserting after section 24 the following section:-

Section 24A. The office of patient protection shall report overturned or partially overturned behavioral health care denials to the division of insurance; provided, however, that the office shall only share patient information received by the office under the external review process established in subsection (d) of section 24 if the patient or the patient's guardian has consented to sharing patient information with the division. The division shall review each reported denial to determine whether the denial constitutes a violation of the federal Mental Health Parity and Addiction Equity Act of 2008, § 511 of Public Law 110-343, and applicable state mental health parity laws including, but not limited to: section 22 of chapter 32A; section 47B of chapter 175; section 8A of chapter 176A; section 4A of chapter 176B; and sections 4, 4B and 4M of chapter 176G.

If the division finds evidence that a violation has occurred including, but not limited to, a determination by the office to overturn a health care denial in full or in part, the division shall investigate pursuant to its powers under section 8K of chapter 26.

If the division finds that a violation of the mental health and substance abuse parity laws has occurred, the division shall levy a fine of not less than \$25,000 per violation; provided, however, that the division shall levy an additional fine of not less than \$100,000 per occurrence if an insurer demonstrates a clear pattern or practice of violating the mental health and substance abuse parity laws.

The division shall promulgate regulations to ensure the protection of patients' information in the division's custody that shall comply with 42 U.S.C. § 290dd-2, 42 C.F.R. Part 2 and 45 C.F.R. § 164.512.

The division shall post a public notice on the division's public website if the division finds a violation of mental health parity laws.

The office shall post statistics regarding behavioral health reviews on its public website that shall be organized by insurer and plan type."

After remarks, the amendment was **adopted**.

Messrs. Joyce and Montigny and Ms. Chang-Diaz moved that the proposed new draft be amended by inserting after section \_\_\_, the following new section:-

"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 remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before twelve o'clock noon, on motion of Mr. Joyce, as follows, to wit (*yeas 10 — nays 27*) [**Yeas and Nays No. 169**]:

#### YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Brownsberger, William N.	Joyce, Brian A.
Chang-Diaz, Sonia	Montigny, Mark C.
Donnelly, Kenneth J.	Rodrigues, Michael J.
Eldridge, James B.	Wolf, Daniel A. — <b>10</b> .

#### NAYS.

Chandler, Harriette L.	Lewis, Jason M.
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Creem, Cynthia Stone	L'Italien, Barbara A.
deMacedo, Viriato M.	Lovely, Joan B.
DiDomenico, Sal N.	McGee, Thomas M.
Donoghue, Eileen M.	Moore, Michael O.
Downing, Benjamin B.	O'Connor Ives, Kathleen
Fattman, Ryan C.	Pacheco, Marc R.
Flanagan, Jennifer L.	Petrucelli, Anthony
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Keenan, John F.	Welch, James T. – 27.
Lesser, Eric P.	

**ABSENT OR NOT VOTING.**

Rush, Michael F. – 1.

The yeas and nays having been completed at one minute before twelve o'clock noon, the amendment was *rejected*.

Ms. Creem and Mr. Joyce moved that the proposed new draft be amended by striking out section 5 and inserting in place thereof the following section:-

“SECTION 5. Section 57 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘results,’ in line 15, the following words:- to screen pupils for substance use disorders, which may also include a screening for tobacco and nicotine use, through a verbal screening with tools approved by the department of public health.”

After remarks, the amendment was **adopted**.

Ms. Donoghue, Messrs. Montigny, Tarr and Joyce and Mrs. L'Italien moved that the proposed new draft be amended by striking section 12 and inserting it its place the following:-

“SECTION 12. Said section 18 of said chapter 94C, as so appearing, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) Practitioners who prescribe controlled substances, except veterinarians, shall be required, as a prerequisite to obtaining or renewing their professional licenses, to complete appropriate training relative to: (i) effective pain management; (ii) risks of abuse and addiction associated with opioid medication; (iii) identification of patients at risk for substance use disorders; (iv) counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications; and (v) appropriate prescription quantities for prescription medications that have an increased risk of abuse. The boards of registration for each professional license that requires this training shall develop the standards for appropriate training programs.”

After remarks, the amendment was **adopted**.

Ms. Donoghue, Messrs. Montigny, Lewis, Humason, Fattman, deMacedo, Ross and Tarr and Mrs. L'Italien moved that the proposed new draft be amended by inserting the following new section:-

“Section XX. Chapter 94C of the General Laws is hereby amended by inserting the following section:-

Practitioners who prescribe controlled substances in an emergency room or walk-in clinic shall limit prescriptions for controlled substance containing an opioid to not more than a 72-hour supply.”

After debate, the amendment was *rejected*.

Ms. Donoghue and Mr. Joyce moved that the proposed new draft be amended by inserting the following new section:-

“SECTION XX. Chapter 123 of the General Laws is hereby amended in Section 35 by striking the fourth paragraph and inserting in its place the following:-

If, after a hearing and based upon competent testimony, which shall include, but not be limited to medical testimony, the court finds that such person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of the person's alcoholism or substance abuse, the court may order such person to be committed for a period not to exceed 90 days, and additionally may require a minimum number of days of commitment, followed by the availability of case management services provided by the department of public health for up to 1 year; provided, however, that a review of the necessity of the commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent that release of that person will not result in a likelihood of serious harm, and after such person has been committed for the minimum number of days ordered by the court. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under chapter 111B for the care and treatment of alcoholism or substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, if there are not suitable facilities available under said chapter 111B; provided, however, that the person so committed shall be housed and treated separately from convicted criminals. Such person shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make the roster available to the district courts on a monthly basis.”

The amendment was *rejected*.

Ms. O'Connor Ives, Messrs. Tarr and Humason moved that the proposed new draft be amended in section 5 by inserting after the word “health”, in line 37, the following words:- "A municipality may elect by local option to participate in the screening of pupils for substance use disorders.”

Ms. Chandler in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 11 — nays 27) [Yeas and Nays No. 170]:

#### YEAS.

Barrett, Michael J.

Jehlen, Patricia D.

Brownsberger, William N.

Moore, Michael O.

deMacedo, Viriato M.

O'Connor Ives, Kathleen

Fattman, Ryan C.

Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E. — **11.**

Humason, Donald F., Jr.

#### NAYS.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 27.
Lesser, Eric P.	

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

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Recess.

At twelve minutes before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Chandler) declared a recess; and, at nine minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

At eight minutes before four o'clock P.M., Mr. Ross doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at five minutes before four o'clock P.M., a quorum was declared present.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern (Senate, No. 603),-- **was considered, the main question being on ordering the bill to a third reading.**

Ms. O'Connor Ives, Ms. Donoghue, Messrs. Humason, Moore, Tarr, Pacheco, deMacedo and Ross, Mrs. L'Italien, Messrs. Joyce and McGee moved that the proposed new draft be amended in section 33, by inserting after the word "pain initiative", in line 631, the following words:- "a representative of the Massachusetts Chiropractic Society, Inc." After remarks, the amendment was **adopted**.

Messrs. Moore, Fattman and Humason moved that the proposed new draft be amended by inserting after section 33, the following new section:-

“SECTION 33A. (a) There shall be a special commission to study the impacts on the criminal justice system as it relates to operating a motor vehicle under the influence of drugs. The commission shall consist of the following members, or their designees: the secretary of public safety and security, who shall serve as chair; the attorney general; the chief justice of the supreme judicial court; the president of the Massachusetts District Attorneys Association; the colonel of the state police; the chief counsel of the committee for public counsel services; a representative from the Massachusetts Bar Association; a representative from the Boston Bar Association; a representative from the Massachusetts Association of Criminal Defense Lawyers; a representative of the Massachusetts Chiefs of Police; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons to be appointed by the governor, 1 of whom shall have experience in substance abuse and addiction treatment and 1 of whom shall have experience in providing services or supervision for offenders convicted of operating under the influence.

(b) In its review, the commission shall investigate and study: (i) the feasibility of developing an established impairment level for tetrahydrocannabinol; (ii) the establishment and implementation of drug evaluation and classification programs and the training of drug recognition experts; (iii) the effectiveness of implementation of impairment levels and programs in other states; (iv) the effectiveness of the implied consent law as it relates to operating a motor vehicle while under the influence of drugs; and (v) other matters related to operating a motor vehicle under the influence. (c) The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, with the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on the judiciary and the senate and house chairs of the joint committee on mental health and substance abuse not later than October 1, 2016.”

The amendment was **adopted**.

Mr. Hedlund moved to amend the proposed new draft by inserting after section \_\_\_\_, the following new section: -:

“SECTION 1. Section 31 of Chapter 94C is hereby amended by deleting it in its entirety and replacing it with the following:-  
Section 31. For the purposes of establishing criminal penalties for violation of a provision of this chapter, there are established the following five classes of controlled substances:

CLASS A

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol
- (2) Allylprodine
- (3) Alphacetylmethadol
- (4) Alphameprodine
- (5) Alphamethadol
- (6) Benzethidine
- (7) Betacetylmethadol
- (8) Betameprodine
- (9) Betamethadol
- (10) Betaprodine
- (11) Clonitazene
- (12) Dextromoramide
- (13) Dextrophan
- (14) Diampromide
- (15) Diethylthiambutene
- (16) Dimenoxadol
- (17) Dimepheptanol
- (18) Dimethylthiambutene
- (19) Dioxaphetylbutyrate
- (20) Dipipanone
- (21) Ethylmethylthiambutene
- (22) Etonitazene
- (23) Etoxidine
- (24) Furethidine
- (25) Hydroxypethidine
- (26) Ketobemidone
- (27) Levomoramide
- (28) Levophenacymorphan
- (29) Morpheridine
- (30) Noracymethadol
- (31) Norlevorphanol
- (32) Normethadone
- (33) Norpipanone

- (34) Phenadoxone
- (35) Phenampromide
- (36) Phenomorphan
- (37) Phenoperidine
- (38) Piritramide
- (39) Proheptazine
- (40) Properidine
- (41) Racemoramide
- (42) Trimeperidine

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine
- (2) Acetyldihydrocodeine
- (3) Benzylmorphine
- (4) Codeine methylbromide
- (5) Codeine-N-Oxide
- (6) Cyprenorphine
- (7) Desomorphine
- (8) Dihydromorphine
- (9) Etorphine
- (10) Hydromorphanol
- (11) Methyldesorphine
- (12) Methylhydromorphine
- (13) Morphine methylbromide
- (14) Morphine methylsulfonate
- (15) Morphine-N-Oxide
- (16) Myorphine
- (17) Nicocodeine
- (18) Nicomorphine
- (19) Normorphine
- (20) Pholcodine
- (21) Thebacon

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designations:

- (1) Flunitrazepam
- (2) Gamma Hydroxy Butyric Acid
- (3) Ketamine.

#### CLASS B

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate
- (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) except that these substances shall not include the isoquinoline alkaloids of opium
- (3) Opium poppy and poppy straw
- (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.
- (5) Phenyl-2-Propanone (P2P)
- (6) Phenylcyclohexylamine (PCH)
- (7) Piperidinocyclohexanecarbonitrile (PCC)
- (8) 3,4-methylenedioxy methamphetamine (MDMA).

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including isomers, esters, ethers, salts, and salts of isomer, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Alphaprodine
- (2) Anileridine
- (3) Bezitramide
- (4) Dihydrocodeine
- (5) Diphenoxylate

- (6) Fentanyl
- (7) Isomethadone
- (8) Levomethorphan
- (9) Levorphanol
- (10) Metazocine
- (11) Methadone
- (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- (13) Moramide-Intermediate, 2-methyl-3 morpholine-1, 1-diphenyl-propane carboxylic acid
- (14) Pethidine
- (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- (18) Phenazocine
- (19) Piminodine
- (20) Racemethorphan
- (21) Racemorphan

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers and salts of its optical isomers.
- (2) Any substance which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers.
- (3) Phenmetrazine and its salts.
- (4) Methylphenidate.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
- (2) Any substance which contains any quantity of methaqualone, or any salt or derivative of methaqualone.

(e) 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 of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Lysergic acid
- (2) Lysergic acid amide
- (3) Lysergic acid diethylamide
- (4) Phencyclidine.

#### CLASS C

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Chlordiazepoxide
- (2) Chlorhexadol
- (3) Clonazepam
- (4) Clorazepate
- (5) Diazepam
- (6) Flurazepam
- (7) Glutethimide
- (8) Lorazepam
- (9) Methypylon
- (10) Oxazepam
- (11) Prazepam
- (12) Sulfondiethylmethane
- (13) Sulfonethylmethane
- (14) Sulfonmethane
- (15) Temazepam.

(b) Nalorphine

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- (1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.
- (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
- (4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

- (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
- (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

[There is no paragraph (d).]

(e) 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 of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3, 4-methylenedioxy amphetamine
- (2) 5-methoxy-3, 4-methylenedioxy amphetamine
- (3) 3, 4, 5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine
- (6) Dimethyltryptamine
- (7) 4-methyl-2, 5-dimethoxyamphetamine
- (8) Ibogaine
- (9) Mescaline
- (10) Peyote
- (11) N-ethyl-3-piperidyl benzilate
- (12) N-methyl-3-piperidyl benzilate
- (13) Psilocybin
- (14) Psilocyn
- (15) Tetrahydrocannabinols
- (16) 4-Bromo-2, 5-Dimethoxy-amphetamine.
- (17) 3, 4—methylenedioxymethcathinone, MDMC
- (18) 3, 4—methylenedioxypropylvalerone, MDPV
- (19) 4—methylmethcathinone, 4-MMC
- (20) 4—methoxymethcathinone, bk-PMMA, PMMC
- (21) 3, 4—fluoromethcathinone, FMC
- (22) Naphthylpyrovalerone, NRG-1
- (23) Beta-keto-N-methylbenzodioxolylpropylamine
- (24) 2-(methylamino)-propiofenone; OR alpha-(methylamino) propiofenone
- (25) 3-methoxymethcathinone
- (26) 4-methyl-alpha-pyrrolidinobutyrophenone
- (27) 2-(methylamino)-1-phenylpropan-1-one
- (28) 4-ethylmethcathinone
- (29) 3,4-Dimethylmethcathinone
- (30) alpha-Pyrrolidinopentiophenone
- (31) beta-Keto-Ethylbenzodioxolylbutanamine
- (32) 3,4-methylenedioxy-N-ethylcathinone.

#### CLASS D

(a)

- (1) Barbital
- (2) Chloral betaine
- (3) Chloral hydrate
- (4) Ethchlorvynol
- (5) Ethinamate
- (6) Methohexital
- (7) Meprobamate
- (8) Methylphenobarbital
- (9) Paraldehyde
- (10) Petrichloral
- (11) Phenobarbital

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Marihuana
- (2) Butyl Nitrite

- (3) Isobutyl Nitrite
- (4) 1-Nitrosoxy-Methyl-Propane.

CLASS E

(a) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams

(b) Prescription drugs other than those included in Classes A, B, C, D, and subsection (a) of this Class.

CLASS X

(a) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Heroin

SECTION 2. Chapter 94C of the General Laws, as appearing in the 2014 Official addition, is hereby amended by adding following new section:-

Section 32X. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance in Class X of section thirty-one shall be punished by imprisonment in the state prison for not less than twenty five years or in a jail or house of correction for not more than one hundred years and by a fine of not less than ten thousand nor more than one hundred thousand dollars, or by both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance as defined by section thirty-one of this chapter under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in the state prison for not less than fifty years nor more than two hundred years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of fifty years and a fine of not less than one million dollars nor more than five million dollars.

(c) Any person serving a mandatory minimum sentence for violating any provision of this section shall not be eligible for parole.”

The amendment was *rejected*.

Messrs. Tarr, Humason, deMacedo and Ross and Mrs. L'Italien moved that the proposed new draft be amended by adding the following section:-

“SECTION \_\_. Notwithstanding any general or special law to the contrary, The department of public health shall consult with the secretary of public safety, the superintendent of the department of state police, the Massachusetts Chiefs of Police Association and others as necessary, to develop an education and training program on the statewide centralized substance abuse service referral and education system. The education and training program shall enable municipal police officers to obtain information by phone or online regarding referral to treatment for individuals seeking treatment at local police departments. The department of public health shall ensure that the program provides daily updates and that the program is fully implemented under section 35 and 36 of chapter 165 of the acts of 2014.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 171]:**

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.

deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	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. – 38.

#### NAYS – 0.

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

Ms. O'Connor Ives and Mr. Joyce moved that the proposed new draft be amended in section 5 by inserting after the word "health", in line 37, the following words:-

"Chapter 71 of the General Laws is hereby amended by adding the following section:-

Section 95. The department of elementary and secondary education in coordination with the department of public health and the substance abuse advisory committee established in this section shall develop a model curriculum designed for the purpose of substance abuse and addiction prevention which shall align with the health curriculum framework and address the following topics: tobacco, alcohol, opiate and prescription drug diversion and abuse and other substance use and abuse prevention, conflict resolution, healthy coping behavior, student and community mental health resources and peer leadership. The curriculum shall take into account the best practices and policies in other states. The adolescent substance abuse and addiction prevention curriculum shall be incorporated into the health curriculum in grades 4 to 12 for all students in the public schools.

The department of elementary and secondary education shall convene a substance abuse advisory committee to investigate and study the development and implementation process for reducing adolescent substance abuse for public school students. The substance abuse advisory committee in formulating its recommendations, shall take into account the best practices and policies in other states.

The substance abuse advisory committee shall consist of 11 members: 2 of whom shall be national experts on adolescent substance abuse and addiction; 2 of whom shall be members of the student advisory council; 2 of whom shall be members of teens leading the way; 2 of whom shall be members of the governors youth council; 2 of whom shall be members of the legislature's joint committee on Mental Health and Substance Abuse; 2 of whom shall be members of the Joint Committee on

Education; 1 of whom shall be a member of the Attorney General's opiate abuse task force. The department shall create an evaluation assessing the curriculum and teaching materials before piloting this program.

SECTION 2. The state shall fully fund all costs associated with the implementation of this act.

SECTION 3. The substance abuse advisory committee shall report to the general court the results of its investigation and study and any recommendations by filing the same with the clerks of the House of Representatives and the Senate who shall forward the same to the Chairs of the Joint Committee on Education and the Joint Committee on Mental Health and Substance Abuse on or before August 1, 2017.

SECTION 4. The model curriculum established in SECTION 1 shall be developed and implemented on or before August 1, 2016."

After remarks, the amendment was *rejected*.

Ms. Lovely, Messrs. Montigny and Joyce moved that the proposed new draft be amended in section 29, in line 588 by inserting after the words "subcontracted entity complies with" the following:- "Chapter 258 of the Acts of 2014 and"; and in said section 29, in line 592 by inserting after the words "treatment limitations comply with" the following:- "Chapter 258 of the Acts of 2014 and".

The amendment was *rejected*.

Messrs. Tarr, Humason, deMacedo and Ross moved that the proposed new draft be amended by inserting in section 5 after the word "health" in line 37 the following:- "subject to appropriation".

After debate, the amendment was **adopted**.

Ms. Chandler and Mrs. L'Italien moved that the proposed new draft be amended by inserting after section 33 the following section:-

"SECTION 33A. (a) There shall be a special commission to study the incorporation of safe and effective pain treatment and prescribing practices into the professional training of students, except veterinarian students, that may prescribe controlled substances.

(b) The special commission shall consist of the following members or their designees: the chancellor of the University of Massachusetts medical school; the dean of Harvard Medical School; the dean of Boston University School of Medicine; the dean of Tufts University School of Medicine; a representative of the Massachusetts Association of Physician Assistants, Inc.; a representative of the Massachusetts Nurses Association; a representative of the Massachusetts Medical Society; a representative of the Massachusetts Hospital Association, Inc., a representative of the Massachusetts Pain Initiative, and 6 members to be appointed by the governor, 2 of whom shall be representatives of the pharmacy industry, 1 of whom shall be a representative of a nursing school and 1 of whom shall be a representative of a physician assistant training program. The governor shall appoint a chair of the committee; provided, however that the first meeting of the commission shall take place not later than March 1, 2016.

(c) The special commission shall develop recommendations to ensure future prescribers have an understanding of: (i) pain treatment; (ii) the development of a pain management treatment plan and safe prescribing practices of controlled substances; (iii) the effective use of the prescription monitoring program; (iv) substance use disorder symptoms and treatment options; (v) alternative pain management options; and (vi) state and federal laws and regulations related to controlled substances.

(d) The special commission shall submit its recommendations, together with drafts of any legislation, to the clerks of the house of representative and the senate, the chairs of the joint committee on higher education and the chairs of the joint committee on mental health and substance abuse not later than October 1, 2016."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 172**]:

#### YEAS.

Barrett, Michael J.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.

Creem, Cynthia Stone

Lovely, Joan B.

deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	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. – 38.

**NAYS – 0.**

The yeas and nays having been completed at a half past four o'clock P.M., the amendment was **adopted**.

Messrs. Tarr, Montigny, Humason, deMacedo, Ross and Joyce and Mrs. L'Italien moved that the proposed new draft be amended by inserting:

“SECTION XX. Section 1. The Center for Health Information Analysis, acting in collaboration with the Health Policy Commission and the Department of Public Health, shall not later than six months following the passage of this act, and each year by December thirty-first thereafter, conduct an assessment of the capacity for inpatient treatment for substance abuse available to service residents of the Commonwealth. Said assessment shall included but not be limited to:

1. The total number of beds in place, expressed as both an absolute number and in relative terms per capita.
2. The geographical distribution of treatment beds.
3. The average waiting time for a treatment placement, measure as a state-wide figure and by regions of the Commonwealth.
4. Any and all relevant obstacles to obtaining placement in inpatient treatment, including availability of beds, health insurance coverage, geography and transportation.
5. The ability of payors and providers to meet the inpatient treatment requirements of Chapter 258 of the Acts of 2014, An act to Increase Opportunities for Long-term Substance Abuse Recovery, progress made since the passage of said law, and remaining problems or obstacles regarding such compliance.

The results of said assessment together with recommended strategies and legislative recommendations to improve inpatient substance abuse treatment and access thereto, shall be filed with the clerks of the House and Senate, the House and Senate Committees on Ways and Means, and the Joint Committee on Mental Health and Substance Abuse.

Section 2. The provisions of Section 1 shall not expire unless otherwise extended, modified or terminated five years following the

passage of this Act.”

Pending the question on adoption of the amendment, Mr. Joyce moved that the amendment (Tarr et al) be amended by inserting after the words “Health Policy Commission” in section 1 the following:- “, the Department of Mental Health”; by inserting after the words “substance abuse” in the first paragraph of section 1 the following:- “and behavioral health”; and by inserting after the words “inpatient substance abuse” in the last paragraph of section 1 the following:- “and behavioral health”.

After remarks, the further amendment was **adopted**.

The pending amendment (Tarr et al), as amended (Joyce) was then **adopted**.

Messrs. Tarr, deMacedo and Ross and Mrs. L'Italien moved that the proposed new draft be amended by inserting in line 339 after the word "fund" the following:- "(vii) provided, that such funds may be expended for the purpose of developing strategies, techniques, systems and approaches for local law enforcement personnel to identify potential candidates for substance abuse intervention and referral to treatment, and to identify and engage family members and others in support of such actions, and to deploy such strategies, techniques, systems and approaches through training and professional development for local law enforcement personnel and relevant health and human service providers."

The amendment was *rejected*.

Messrs. Tarr, deMacedo, Ross and Joyce moved that the proposed new draft be amended by adding the following section:- “SECTION XX. Notwithstanding any general or special law, rule or regulation to the contrary, the Secretary of Health and Human Services and the Secretary of Administration and Finance shall develop and implement strategies to obtain, to the maximum extent possible, federal reimbursement for the items authorized in this act.”

The amendment was *rejected*.

Messrs. DeMacedo and Humason, Ms. O’Connor-Ives and Mr. Ross moved that the proposed new draft be amended by inserting the following section:-

“SECTION X. SECTION 1. Section 13D of chapter 71 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following paragraph:-

A driver education course shall include a module on the science related to addiction and addictive substances approved by the Center for Adolescent Substance Abuse Research at Boston Children’s Hospital.

SECTION 2. Subsection (c) of section 8 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘course’, in line 47, the following words:- including a module on the science related to addiction and addictive substances approved by the Center for Adolescent Substance Abuse Research at Boston Children’s Hospital and...

SECTION 3. Said subsection (c) is hereby amended by inserting after the word ‘curriculum’, in line 67, the following words:- including a module on the science related to addiction and addictive substances approved by the Center for Adolescent Substance Abuse Research at Boston Children’s Hospital.

SECTION 4. The nineteenth paragraph of section 32G of said chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘section’, in line 199, the following sentence:- Said curriculum shall include a module on the science related to addiction and addictive substances approved by the Center for Adolescent Substance Abuse Research at Boston Children’s Hospital.”

After remarks, the amendment was **adopted**.

Messrs. Brownsberger and Joyce moved that the proposed new draft be amended in section 5 by striking out the words:- “to screen pupils for substance use disorders through a verbal screening tool approved by the department of public health.”; and inserting in place thereof the following words:- “to identify mental illness or behavioral health issues, including substance abuse, tending to impede the ability to learn.”;

In section 7, by striking the following sentence:- “A child or the child’s parent or guardian may opt out of the verbal substance use disorder screening at any point prior to or during the screening.”; and inserting in place thereof the following sentence: - “If a school district implements a program of screening students for mental illness or behavioral health issues, a child or the child’s parent or guardian may opt out of the program.”; and

In section 8 by striking the following sentence :- “Results of verbal substance use disorder screenings shall be reported to the department of public health without identifying information not later than 30 days after completion of the screening.”; and by inserting in place thereof the following sentence:- “The department of public health may require the reporting of results of screening for mental illness or behavioral health issues but in no instance shall require or allow the inclusion of identifying information.”

The amendment was *rejected*.

Messrs. Brownsberger and Joyce moved that the proposed new draft be amended in section 9 by striking section 57A and inserting in place thereof the following section:-

“SECTION 7A. Any statement, response or disclosure provided by a pupil during a verbal substance abuse screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil on a form to be approved by the Department of Public Health or in cases of immediate medical emergency and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any such statement, response or disclosure shall be made in any form, written, electronic,

or otherwise, which includes information identifying the pupil.”  
After remarks, the amendment was **adopted**.

Messrs. Moore, Rush and Tarr and Ms. Chandler moved that the proposed new draft be amended by inserting after section 20 the following 2 sections:-

“SECTION 20A. Section 1 of chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of ‘malt beverages,’ the following definition:-

‘Powdered alcohol’, a non-medicinal product in powdered or crystalline form that contains alcohol and is intended for consumption by direct use or when mixed with water or another substance.

SECTION 20B. Chapter 138 of the General Laws is hereby amended by inserting after section 2 the following section:-  
Section 2A.

No person shall sell, offer for sale, manufacture, or possess powdered alcohol. Whoever violates this section shall be punished by a fine of not less than \$100 nor more than \$1,000.”

The amendment was **adopted**.

Messrs. Moore and Humason, Mrs. L'Italien and Mr. Joyce moved that the proposed new draft be amended by inserting after section \_ the following new section:-

“SECTION 1. Subsection (b) of Class B of section 31 of chapter 94C, as appearing in the 2012 Official Edition, is hereby amended by striking out the first clause and inserting in place thereof the following 2 clauses:-

(1)Acetyl fentanyl

(1½) Alphaprodine.”

The amendment was **adopted**.

Ms. Donoghue, Messrs. Tarr, Montigny and Fattman, Ms. O'Connor Ives, Messrs. deMacedo and Joyce and Mrs. L'Italien moved that the proposed new draft be amended by inserting after section 17 the following section:-

“SECTION 17A. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section. 236. Before a practitioner prescribes a controlled substance that contains an opioid to a minor, the prescriber shall have received informed consent from the parent or guardian of the minor, except in the case of a medical emergency. The practitioner shall consider the minor's health and risk of the minor developing a substance use disorder before prescribing a controlled substance that contains an opioid to the minor. The minor's parent or guardian shall be notified of the risks and dangers of addiction and overdose associated with controlled substances containing opioid before signing a consent form, which shall be in a form approved by the department. The written consent form shall be maintained in the minor's medical record. Failure to prescribe a controlled substance that contains an opioid without obtaining informed consent shall result in suspension of the license of that practitioner for not less than 6 months.”

After remarks, the amendment was **adopted**.

Messrs. Lesser, Keenan and Lewis moved that the proposed new draft be amended by inserting, after section 24 the following section:-

“SECTION 24A. Subsection (e) of section 24A of chapter 94C of the General Laws, as so appearing, is hereby amended by adding the following 5 sentences:-

A professional licensing agency in the commonwealth that receives such a referral from the department shall provide to the department an annual report of the outcome of its investigations. The licensing agency shall include, in aggregate form, information on the number of cases that have not been completed within a year of the date of the referral and the status of those referrals. The agency shall report, in aggregate form, on the outcome or status of its investigations and shall not provide the names of the subject of the investigation, complainant or patient, medical record information or any other identifying information. These reports shall also be confidential and exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66. The department shall report this information only in aggregate form.”

After remarks, the amendment was **adopted**.

Messrs. Brownsberger and Tarr moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

“SECTION XX: Section 16 of Chapter 38 of the General Laws, as most recently amended in Section 11 of Chapter 258 of the Acts of 2014, is hereby amended by striking subsection (b) and inserting in place thereof the following:-

(b) On a monthly basis, acute hospitals, as defined in section 64 of chapter 118E, shall file a report with the commissioner of 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 I through schedule II, inclusive, controlled substance, under chapter 94C, and those controlled substances in schedule III, under chapter 94C, that the drug formulary commission established in section 13 of chapter 17 has determined have a heightened level of public health risk due to the drugs' potential for abuse and misuse, as well as the number and specific causes of hospitalizations caused by ingestion of a schedule I through schedule II, inclusive, controlled substance, under said chapter 94C, and those controlled substances in schedule III, under chapter 94C, that the drug formulary commission established in section 13 of chapter 17 has determined have a heightened level of public health risk due to the drugs' potential for abuse and misuse.”

After remarks, the amendment was **adopted**.

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Recess.

At five minutes past five o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at eight minutes before seven o'clock P.M., the Senate reassembled, the President in the Chair.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern (Senate, No. 603),-- **was considered, the main question being on ordering the bill to a third reading.**

Mr. Rodrigues moved that the proposed new draft be amended in section 12, as inserted by amendment 15, in the first sentence of subsection (e) by adding the following words:- “; and (vi) opioid antagonists, overdose prevention treatments and instances in which a patient may be advised on both the use of and ways to access opioid antagonists and overdose prevention treatments”. After remarks, the amendment was **adopted**.

Messrs. Brownsberger, Joyce and Tarr moved that the proposed new draft be amended by striking out section 6.

Pending the question on adoption of the amendment, Ms. Flanagan moved that the amendment (Brownsberger) be amended by striking out the text and inserting in place thereof the following text:-

“By striking out section 6”; and

By inserting after section 34 the following 2 sections:

“SECTION 34A. The department of public health shall promulgate rules and regulations to implement sections 5, 7, 8 and 9 to ensure the verbal substance use disorder screening occurs annually and to ensure the screening of students in 2 grades.

SECTION 34B. Notwithstanding any general or special law to the contrary, each school district shall implement the verbal substance use disorder screening not later than the 2016-2017 school year.”

After remarks, the further amendment was **adopted**.

The pending amendment (Brownsberger), as amended (Flanagan), was then **adopted**.

Messrs. Hedlund and Ross moved that the proposed new draft by inserting after section xx, the following new section:

“SECTION XX. Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study state licensed addiction treatment centers.

The commission shall consist of the co-chairpersons of the joint committee on mental health and substance abuse, who shall serve as co-chairpersons of the commission; the secretary of health and human services or a designee; the commissioner of mental health or a designee; the commissioner of public health or a designee; the director of medicaid or a designee; the Massachusetts Inspector General or a designee; and 5 advocates from the addiction treatment community with at least 3 of whom shall be a family members of individuals who have been treated at a state licensed addition treatment center

The commission shall: (1) solicit information and input from addiction treatment service providers, consumers, families and any other parties or entities the commission deems appropriate; (2) examine the effectiveness of addiction treatment services in promoting successful outcomes of recovery and wellness, (3) examine how to effectively involve peers in policy development, service delivery, training and evaluation of services, (4) examine exemplary models of delivery, and use of recovery oriented services in other states; (5) Investigate negative outcomes of early release from sectioned treatment; (6) Gather data about death by suicide or overdose following release, early or otherwise, from addiction treatment center; (7) examine mental health considerations when an individual enters addiction treatment center, including, but not limited to, how often patients get to meet with psychiatrist, how much communication, if any, treatment center has with patients primary care and other doctors that patient sees; (8) Investigate specific instances of early release from addiction treatment center where patient later commits bodily harm to themselves or others; (9) evaluate conditions of state licensed treatment centers and their ability to obtain not for profit status; and (10) recommend legislation to address ways to improve services for people in a state licensed addiction treatment center.

The commission shall submit a report to the general court of the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the senate, the clerk of the house of representatives, the joint committee on mental health and substance abuse, and the senate and house committees on ways and means not later than one year from enactment of this bill.”

The amendment was **adopted**.

Messrs. Keenan, Donnelly, Wolf, Lesser and Lewis, Ms. Lovely, Ms. Jehlen, Mr. Eldridge, Ms. Donoghue, Ms. Forry, Mrs. L'Italien, Messrs. Montigny, deMacedo and Joyce, Ms. O'Connor Ives, Messrs. Tarr, Downing and Ross, Ms. Gobi and Ms. Chang-Diaz moved that the proposed new draft be amended by striking sections 14 and 35; and by inserting the following new sections:-

“SECTION \_\_. Said section 18 of said chapter 94C, as so appearing, is hereby further amended by adding the following subsection:-

(d<sup>3</sup>/<sub>4</sub>) A prescription for a narcotic substance contained in schedule II or schedule III of section 3 shall be filled by the pharmacist in a lesser quantity of the substance than that quantity indicated on the prescription if the person for whom the prescription is

issued requests the lesser quantity. Within a reasonable time following a reduction in quantity, but not to exceed 7 days, the pharmacist or a designee shall notify the prescribing practitioner of the reduction and of the amount actually dispensed. The notification shall be conveyed by a notation in the interoperable electronic health record of the patient as defined by section 1 of chapter 118I or, if the pharmacist does not have the ability to make a notation in the patient's interoperable electronic health record, by facsimile, electronic transmission or by making a notation in the patient's record maintained by the pharmacy which shall be accessible to the practitioner by request. A prescription filled in a lesser quantity pursuant to this subsection shall be considered a partial fill and the remaining portion may be filled according to federal regulations applicable to partially filled prescriptions; provided, however, that the fill of the remaining portion shall occur at the pharmacy that initially dispensed the partial fill. Nothing in this subsection shall be interpreted to conflict with or supersede any other requirement established in this section for a prescription of a narcotic substance or any requirements or conditions for drug substitutions established in chapter 112.

SECTION \_\_. The second paragraph of section 21A of said chapter 94C, as appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:- A pharmacist or a pharmacist's designee shall give notice to any person who presents for filling a prescription for an opiate contained in schedule II or schedule III of section 3 that the person may choose to receive a lesser quantity of the prescribed substance than the quantity indicated on the prescription.

SECTION \_\_. Chapter 175 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after said section 47HH the following section:-

Section 47II. Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth, which is considered creditable coverage under section 1 of chapter 111M, shall provide, for any covered drug that is a narcotic substance contained in schedule II or schedule III of section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for adjustments and reductions in the cost sharing when a person requests a prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C.

SECTION \_\_. Chapter 176A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after said section 8JJ the following section:-

Section 8KK. Any contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed within the commonwealth shall provide, for any covered drug that is a narcotic substance contained in schedule II or schedule III of section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for adjustments and reductions in the cost sharing when a person requests a prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C.

SECTION \_\_. Chapter 176B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after said section 4JJ the following section:-

Section 4KK. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide, for any covered drug that is a narcotic substance contained in schedule II or schedule III of section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for adjustments and reductions in the cost sharing when a person requests a prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C.

SECTION \_\_. Chapter 176G of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after said section 4BB the following section:-

Section 4CC. An individual or group health maintenance contract that is issued or renewed shall provide, for any covered drug that is a narcotic substance contained in schedule II or schedule III of section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for adjustments and reductions in the cost sharing when a person requests a prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C.

SECTION \_\_. Notwithstanding any general or special law to the contrary the attorney general shall, not later than 30 days from the effective date of this act, send notice to the United States Drug Enforcement Administration that the Commonwealth of Massachusetts has authorized and required pharmacists to fill prescriptions of schedule II and schedule III opiates in partial quantities when patients request the partial fill.”

The amendment was **adopted**.

Messrs. Tarr, deMacedo, Ross and Joyce, Mrs. L'Italien, Mr. Humason and Ms. Chang-Diaz moved that that the proposed new draft be amended in section 13, by adding the following section:-

“Section 18C. Prior to issuing a prescription for an opioid contained in schedule II of section 3, a practitioner registered under section 7 shall: (i) consult with a the patient regarding the quantity of the opioid and a patient's option to fill the prescription in a lesser quantity; and (ii) inform the patient of the risks associated with the opioid prescribed.”; and

By inserting after section 35 the following 2 sections:-

“Section 35A. Not more than 180 days following the effective date of this act, the board of registration in medicine and the respective boards of licensure for prescribers registered under section 7 of chapter 94C of the General Laws shall promulgate regulations that require a prescriber, prior to issuing a prescription for an opioid in schedule II of section 3 of said chapter 94C, to: (a) consult with a patient and determine the lowest quantity of such opioid that can safely and effectively meet the needs presented by the patient in the prescriber's medical judgment; (b) discuss a full spectrum of strategies to manage pain; and (c) explain, in lay terms, the rationale for the recommended prescription quantity and dosage. The regulations shall also include appropriate licensing consequences for failure to adhere to the regulation.

Section 35B. Not later than 180 days following the effective date of this act, the division of insurance shall develop and implement regulations providing that there shall be no financial penalty for a patient's choice to receive a lesser quantity of an

opioid contained in schedule II or III of section 3 of chapter 94C of the General Laws.”  
The amendment was **adopted**.

Messrs. Wolf and Montigny moved that the proposed new draft be amended by inserting the following new section:  
“SECTION XX: Pharmaceutical product manufacturers and stewardship organizations, as defined in section 1 of Chapter 94G shall, in consultation with the department of public health, identify technology to quantify, sort and catalogue covered drugs, as defined in Chapter 94G. The department shall file with the clerks of the senate and house of representatives, not later than January 1, 2018, a report detailing a program that: 1) develops a reasonable price per pill for each covered drug, as defined in Chapter 94G; 2) assesses upon each pharmaceutical product manufacturer, as defined in Chapter 94G, a fee equal to the price per pill multiplied by the number of pills collected; and 3) deposits fees collected from the program into the Prescription Drug Awareness Trust Fund established by section 2J of chapter 111. The clerks shall forward the report detailing the program to the joint committee on public health and the house and senate committees on ways and means on or before January 30, 2018. The program shall be made available to the public on the general court’s website.”  
The amendment was **adopted**.

Ms. Spilka moved that the proposed new draft be amended in section 4, by striking out, in line 32, the words:- “voluntarily record a non-opiate directive” and inserting in place thereof the following words:- “file a voluntary non-opiate directive form”;  
In section 13, by striking out, in lines 104 and 116, the word “directive” and inserting in place thereof the following words:- “voluntary non-opiate directive form”;  
In said section 13, by inserting after the word “the”, in line 115, the following words:- “voluntary non-opiate directive”;  
In section 16, by striking out, in line 183, the word “addiction” and inserting in place thereof the following words:- “use disorder”;  
In said section 16, by striking out, in line 232, the word “additional”;  
In said section 16, by striking out, in line 247, the words “, group of manufacturers”;  
In said section 16, by striking out, in line 310, the word “schedule” and inserting in place thereof the following words:- “a projected schedule of assessment payments”;  
In section 20, in proposed subsection (c) of proposed section 24H of chapter 112 of the General Laws, by inserting after the first sentence the following sentence:- “Three members of the committee shall constitute a quorum.”;  
In said section 20, in proposed subsection (c) of proposed section 24H of said chapter 112, by adding the following sentence:- “Meetings of the committee shall not be subject to sections 18 to 25, inclusive, of chapter 30A.”;  
In said section 20, in proposed subsection (d) of proposed section 24H of said chapter 112, by inserting after the second sentence the following sentence:- “Following consultation with members of the committee, the supervisor may authorize and implement changes to a participant’s individualized rehabilitation program based on information that the supervisor may receive concerning a participant’s failure to comply with the participant’s individualized rehabilitation program as necessary to protect public health, safety and welfare; provided, however, that the changes shall remain in effect until review by the board takes place.”;  
In section 34, by striking out, in lines 642 and 643, the words “department of public health and the bureau of substance abuse services, in consultation with the division of insurance” and inserting in place thereof the following words:- “the division of insurance, in consultation with the department of mental health, the department of public health and the bureau of substance abuse services”; and  
In said section 34, by striking out, in line 649, the word “department” and inserting in place thereof the following word:- “division”.

The amendment was **adopted**.

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

**The pending Rules new draft (Senate, No. 2010) was then amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2020, amended) 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 twenty-two minutes past seven o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 173**]:

#### YEAS.

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L’Italien, Barbara A.

Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	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. – 38.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Petrucelli, Anthony – 1.

**The yeas and nays having been completed at twenty-five minutes past seven o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill printed as amended, see Senate, No. 2022]. Sent to the House for concurrence.**

During consideration of the Orders of the Day, the following order was considered as follows:

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Moment of Silence.*

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of City Councillor Joseph A. O'Keefe, Sr. of Salem.

*Adjourn In Memory of City Councillor Joseph A. O'Keefe, Sr.*

The Senator from Essex, Ms. Lovely moved that when the Senate adjourns today, it adjourns in memory of City Councillor Joseph A. O'Keefe, Sr. of Salem, who passed away September 14, 2015 at the age of 82.

A long-time resident of Salem and dedicated public servant, Councillor O'Keefe was Dean of the Salem City Council and proudly represented his constituents until his passing.

Born and raised in Salem, he was the son of the late Andrew Joseph and Jane (Spinney) O'Keefe. After graduating from St. Mary's Grammar School and St. Mary's Boys High School in Lynn, he joined the U.S. Air Force as a firefighter and served his country at Air Forces bases at home and abroad.

Continuing his education after his service, Mr. O'Keefe graduated from Oklahoma State University with a degree in fire safety technology, and went on to earn a Master's degree in education from Harvard University in 1973 and a certificate from the university's John F. Kennedy School of Government in 1984.

After teaching as an associate professor of fire safety and protection at North Shore Community College, and as professor and chairman of fire protection and safety technology at Bunker Hill Community College, Mr. O'Keefe served as the State Fire Marshal from 1977 to 1992.

In his role as State Fire Marshal, Mr. O'Keefe was a driving force behind key reforms to smoke alarm and fire sprinkler laws. Throughout his 15 year career, Mr. O'Keefe helped to make our Commonwealth safer through stronger fire and building codes. He's also credited with developing and originating the first fire science program taught at community colleges across Massachusetts.

Following his service as State Fire Marshal, Mr. O'Keefe continued his commitment to public safety as an honorary member of the Fire Chief Association of Massachusetts, a member of the Massachusetts State Building Code Commission, Massachusetts Board of Fire Prevention Regulators, and a life member of the Fire Prevention Association of Massachusetts.

In addition to his contributions at the state level, Mr. O'Keefe was a staple in Salem's local government for decades. He was Ward 2 Councillor from 1962 to 1974, School Committee member from 1975 to 1979, and had been Ward 7 Councillor since 2000.

Councillor O'Keefe will leave lasting legacy on the Salem City Council and he will always be remembered for his tireless advocacy and unrivaled enthusiasm. He truly believed in the importance of local government and its ability to improve the community and support its residents.

Outside of the council chambers in Salem City Hall, Councillor O'Keefe was a lector at Immaculate Conception Church of Salem and a member of the Veterans of Foreign Wars Post 1524. But above all else, he loved spending time with his family.

He is survived by his loving wife of 60 years, Camille; four sons, Kevin of Ipswich and Francis, Edward and Joseph Jr., all of Salem; four daughters, Jane of Salem, Mary Sullivan of Beverly, Kathleen of Boston and Ann Greenleaf of Lynn; a brother, Edward of Texas and his wife Tina; 14 grandchildren, Shannon, Kelly, Jillian, Alyssa, Amy, Ashley, Madison, Kylie, Kiera, William, Cameron, Cullen, Shawn, and Joseph; and 4 great-grandchildren, Damon, Zoey, Nathan, and Naya. He was the loving father of the late Shawn O'Keefe.

Accordingly, as a mark of respect in memory of City Councillor Joseph A. O'Keefe, Sr., at twenty-six minutes after seven o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M