

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 28, 2024

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JOURNAL OF THE SENATE

Monday, October 28, 2024.

Met at eleven minutes past eleven o'clock A.M. (Ms. Edwards in the Chair).

The Chair (Ms. Edwards), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of
allegiance.

Communications.

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

Communication from the Executive Office of Housing and Livable Communities (pursuant to Section 4 of Chapter 40V of the General Laws) submitting its report on the Housing Development Incentive Program for fiscal year 2024 (copies having been forwarded to the Senate Chairs of the Joint Committee on Revenue and the Joint Committee on Housing) (received October 25, 2024); and

EOHLC,--
emergency shelter
system.
SD3499

Communication from the Massachusetts Sheriffs' Association, announcing the appointments of Sheriff Nicholas Cocchi, Hampden County Sheriff's Office, Sheriff Joseph McDonald, Plymouth County Sheriff's Office, and Sheriff Patrick Cahillane, Hampshire County Sheriff's Office (pursuant to Section 214 of Chapter 140 of the Acts of 2024) to the Special Commission on Correctional Collaboration (received October 24, 2024).

Special
Commission on
Correctional
Collaboration,--
appts.
SD3500

Reports.

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

Report of the Pioneer Valley Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2024 (received October 23, 2024);

PVTA,-- auditors'
report.
SD3501

Report of MassVentures (pursuant to Section 6 of Chapter 40G of the General Laws) submitting its annual report and audited financial statements for the fiscal year ended June 30, 2024 (received October 24, 2024); and

MassVentures,--
annual report.
SD3502

Report of the Department of Revenue (pursuant to Section 5 of Chapter 62F of the General Laws) submitting its September 2024 report on year-to-date net state tax revenue for the current fiscal year (copies having been forwarded to the Senate Chairs of Ways and Means and the Joint Committee on Revenue) (received October 28, 2024).

DOR,-- net state tax
revenue report.
SD3503

Reports of a Committee.

Ms. Lovely, for the committee on Rules, reported that the following matters severally be placed in the Orders of the Day for the next session, with the amendments pending:

The Senate Bill relative to housing court jurisdiction (Senate, No. 2592) (the committee on Rules having recommended that the bill be amended by substituting a new draft entitled: "An Act clarifying the jurisdiction of the housing court department" (Senate, No. 2963);

Housing court,--
jurisdiction.

The House Bill relative to insurance claims (House, No. 4307) (the committee on Rules having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2976;

Insurance claims,--
regulations.

The House Bill designating a certain bridge in the town of Falmouth as the Deputy John Robert Kotfila Jr. memorial bridge (House, No. 3466) (the committee on Rules having

Falmouth,-- Deputy
John Robert Kotfila,

recommended that the bill be amended by striking out, in line 6, the words “on the bridge”); and

Jr. bridge.

The House Bill relative to designation of the state public health laboratory campus in honor of Dr. Alfred DeMaria, Jr (House, No. 5063) (also based on Senate, No. 1351) (the committee on Rules having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the the text of Senate document numbered 2975.

Dr. Alfred DeMaria, Jr.,-- lab.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Speaker:

Representative Diggs of Barnstable has been appointed to serve as his designee (under Section 32 of Chapter 23B(c) of the General Laws) to the Seasonal Communities Advisory Council.

Seasonal Communities Advisory Council,-- appt.

A message from Her Excellency the Governor recommending legislation relative to further regulating a certain alcoholic beverage license in the town of Southampton (House, No. 5079),-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Southampton,-- liquor license.

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

Petition (accompanied by bill, House, No. 5080) of Brandy Fluker Oakley (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Adam Watt a police officer notwithstanding the maximum age requirement;

Adam Watt,-- Boston police officer.

Petition (accompanied by bill, House, No. 5081) of Brandy Fluker Oakley (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Jean E. Rosoney a police officer notwithstanding the maximum age requirement; and

Jean E. Rosoney,-- Boston police officer.

Petition (accompanied by bill, House, No. 5082) of Brandy Fluker Oakley (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Keny Gateau a police officer notwithstanding the maximum age requirement;

Keny Gateau,-- Boston police officer.

Severally to the committee on Public Service.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill to recall elected officials in the town of Manchester-by-the-Sea (printed as Senate, No. 440),-- was read a third time.

Manchester-by-the-Sea,-- elected officials.

Pending the question on passing the bill to be engrossed, Mr. Tarr moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2969 and by striking the title and inserting the following title:-- “An Act providing for recall elections in the town of Manchester-by-the-Sea”.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence in the amendment.

The Senate Bill relative to applied behavioral analysis therapy (Senate, No. 2970),-- **was read a third time and, after remarks, was passed to be engrossed.**

Down syndrome,-- therapy.

Sent to the House for concurrence.

The House Bill relative to medically necessary breast screenings and exams for equity and early detection (House, No. 4918),-- **was read a third time and, after remarks, passed to be engrossed.**

Breast exams,--
early detection.

Sent to the House for concurrence in the amendment, previously adopted by the Senate.

Remarks of Senator Michael F. Rush.

I'd like to start by expressing my thanks to Senator Lovely and Chairman Jamie Murphy in the House for their work on this legislation, and for championing it so that it could make it here today.

Remarks of Senator
Michael F. Rush.

Breast cancer is the second leading cause of cancer death among women in Massachusetts. Over four thousand women in the state tragically lost their lives between 2016-2020 due to breast cancer.

Current law requires, rightly, that insurers cover fully initial mammogram screening for breast cancer. One in ten women require additional screenings after their initial mammograms. These follow up exams are often not fully covered by insurers and often require significant cost sharing on the part of the patient.

A study commissioned by Susan G. Komen found that the average patient's out-of-pocket cost for a breast MRI is a staggering \$1,021. These costs create huge health disparities across income and racial lines, as women with lower incomes or whose work insurance may provide less comprehensive coverage, which is disproportionately true of women of color, may delay or never pursue follow up screenings due to cost.

We know how important it is to identify and begin treatment quickly when fighting cancer, and any failure or delay in catching these signs can prove detrimental. No woman should have to die because they had to choose between paying to keep a roof over their head and food in their children's mouths, and their medically necessary cancer screening. If their doctor deems an additional screening, they should have the screening, no questions asked.

This legislation we are passing today is morally necessary and fiscally responsible, with the Center for Health Information and Analysis estimating a cost of only \$0.19 to \$0.33 cents per month per rate payer.

This legislation has been endorsed by an all-star team of cancer advocates; including Dana Farber, Susan G. Komen, the American Cancer Society, and many leading organizations and hospitals. I'd again like to thank Chairman Jamie Murphy and Senator Lovely who have been champions on this issue, as well as Senate President Spilka, Speaker Mariano, Chair Rodrigues who has been working with us on this issue for a long time, the Minority Leader and the many legislators who have signed on to champion this bill so it could pass today.

Thank you Madam President.

Remarks of Senator Joan B. Lovely.

I too rise in support of this bill.

I first filed this bill in 2017 and am pleased to see the Senate take up this important piece of legislation here today.

I was approached in 2016 by a constituent who was the officer manager for Beverly Radiology who brought this to my attention and said many insurers did not cover the cost of 3D mammography and that women were having to choose between having to pay out of pocket for 3D mammography or going with 2D technology, which was not the best technology at the time.

I myself have dense breast tissue which is harder to scan. I had to have further exams after a 2D mammography did not reveal everything the radiologist wanted to see.

Remarks of Senator
Joan B. Lovely.

Thankfully, I did not have breast cancer, but I am religious about my yearly exams, and my current health insurance pays for 3D mammograms.

Women who are between 40 and 74 and are at average risk of cancer get a breast exam every two years. If we catch breast cancer early, then we know we can have a very high success rate for women and men.

The five-year relative survival rate for breast cancer found and treated in the localized stage is 99%, according to the American Cancer Society.

In the regional stage, where cancer has spread outside the breast to nearby structures or lymph nodes, the five-year survival rate is 86%.

In the distant stage, where the cancer has spread to other parts of the body such as the lungs, liver, or bones, the five-year survival rate is 31%.

That is why it is crucial that we give people, especially if they are at high risk, access to the resources they need to ensure that they are able to be tested when they need to be and how they need to be in order to ensure their health going forward.

The bill would cover mammograms, digital tomosynthesis screening, medically necessary screenings, and breast MRIs. To ensure equity and access, this bill prohibits any increase in patient cost, or cost-sharing. It does not require prior

authorization. This opens up the latest technology to anyone who needs a 3D mammography. We're going to save a lot of lives because of this.

I want to say thank you to Senate President Karen Spilka, Ways and Means Chair Michael J. Rodrigues, the Minority Leader, the Gentleman from Milton and the Gentleman from West Roxbury for their advocacy of this bill. Also Rep. Kane, Senator Finegold, Senator Kennedy, Rep. Balsler, my colleagues in the Massachusetts Caucus of Women Legislators who have made passing this bill a priority, and the many House and Senate co-sponsors of this bill.

I also want the advocates who have supported this bill for many years, including Dana-Farber Cancer Institute, Lahey Health, Susan G. Koman Foundation, Massachusetts Radiological Society, American Cancer Society and Mass General Brigham. I also want to thank Sharon Hayes, former practice manager for Beverly Radiology Associates, who was one of the first people to advocate for this legislation back in 2016, Dr. Mary Jane O'Neill, President of Beverly Radiology Associates, and Scott Hartman of Dana-Farber Cancer Institute, for their advocacy.

Remarks of Senator Walter F. Timilty.

Thank you. And through you to the members, right off the bat, to the gentleman from West Roxbury and to the gentlelady from Salem. Thank you very much for what you've done, tirelessly working on this legislation that is so crucial to each and every one of us. The Commonwealth of Massachusetts and this great nation of ours should be better in terms of health care, health care and taking care of the most vulnerable and the weakest amongst us. Because of this legislation, we will be better in this very crucial area of health care, breast and breast cancer research, early detection. It quite simply will save lives. Senator Rush, the gentleman from West Roxbury, earlier you mentioned that individuals, women should not have to choose between paying for a roof over their head and or feeding their children. Obviously that is hitting right close to home for all of us. Because of this legislation, that will not happen. And to the gentlelady from Salem, thank you very much. What you've said quite simply, this will save lives, and it will. And that's vital for each and every one of us. It is how we are judged. How do we treat those in our society who are ill, who are suffering and do not have the means to provide for their own medical care. With this legislation that will happen for the most precious, precious people in our society, those who are afflicted with various insidious diseases and obviously breast cancer is an insidious

Remarks of Senator
Walter F. Timilty.

disease and it is something when you talk about, the gentlelady from Salem, that 4,000 people have lost their lives since 2016, one is too many. So, to the gentleman from West Roxbury, the gentlelady from Salem, to you, the minority leader, to our Senate President, to Chairman Murphy, Speaker Mariano, and of course our Senate President for moving this legislation to protect the most vulnerable amongst us. Thank you.

Remarks of Senator Bruce E. Tarr.

Remarks of Senator
Bruce E. Tarr.

Through you to the members, Madam President, I rise to join the gentleman from Milton, the gentleman from West Roxbury and the gentlelady from Salem in their support of this measure which I'm proud to be a co-sponsor of. Madam President, this is one of those matters where the practicality of it cannot be questioned. The efficacy of early detection cannot be questioned. And, Madam President, it is imperative that we move forward as quickly as possible with ensuring that because we do not provide adequate reimbursement that someone falls through the cracks with regard to this particular measure. We cannot allow that to happen, and this bill will ensure that does not happen. So that this proper reimbursement, that the diagnostics are properly performed and that the proper intervention in a timely way can be had, that will, as the gentleman from Milton said, save lives. So, Madam President, much has been said about this particular measure. I won't seek to add to that except to thank all of my colleagues and particularly the gentlelady from Salem and the gentleman from West Roxbury, who have been so adamant about moving forward with this legislation. And, of course, my good friend from Milton, as we all join in a bipartisan effort to address something that is critical to public health and something whose efficacy cannot be doubted. I do want to close by thanking Scott Hartman from the Dana-Farber Cancer Institute, who is actually with us today, for providing my office, my staff, and myself with so much critical information with regard to this measure and for helping us to understand why it is so very important. But important it is, and I hope that we will move swiftly today, now to engross this measure so that it can move closer on its journey to the desk of the Governor and toward becoming law in the Commonwealth of Massachusetts. Thank you, Madam President.

Under the provisions of Senate Rule 6A, the above remarks were be printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourns to meet again on Thursday next at eleven o'clock A.M.

Time of meeting.

On motion of Mr. Timilty, at eleven minutes before twelve o'clock noon, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.