SECTION 4. Section 6 of chapter 6D of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “hospital, ambulatory surgical center and surcharge payor”, and inserting in place thereof the following words:- hospital and ambulatory surgical center.

SECTION 5. Said section 6 of said chapter 6D, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 6. Chapter 10 of the General Laws is hereby amended by striking out section 24 and inserting in place thereof the following section:-

Section 24. (a) The commission is hereby authorized to conduct a state lottery and shall determine: (i) the types of lotteries to be conducted; (ii) the prices of tickets or shares in the lottery; (iii) the number and sizes of the prizes on the winning tickets or shares; (iv) the manner of selecting the winning tickets or shares; (v) the manner of payment of prizes to the holders of winning tickets or shares; (vi) the frequency of the drawings or selections of winning tickets or shares; (vii) the types of locations at which tickets or shares may be sold; (viii) the method to be used in selling tickets or shares; provided, however, that no tickets or shares shall be sold, offered for sale or purchased from a licensed sales agent or the lottery commission by telephone call; provided further, that said restriction on telephone calls for sales, offers for sale or purchase shall not govern the transmittal of lottery information and sales through telephone services solely between the lottery commission and its duly licensed sales agents; provided further, that the commission shall authorize licensed sales agents to facilitate point of sale transactions using a debit card; and provided further, that said commission shall prohibit point of sale transactions using credit cards as defined in section 1 of chapter 140D and that point of sale transactions under this section shall be subject to the restrictions pursuant to subsection (b) of section 5I of chapter 18; (ix) the licensing of agents to sell tickets or shares; provided, that no person under the age of 18 shall be licensed as an agent; (x) the manner and amount of compensation, if any, to be paid to licensed sales agents; provided, however, that the amount of compensation, if any, to be paid to licensed sales agents as a commission pursuant to this section shall be calculated on the total face value of each ticket or share sold and not on any discounted price of any such ticket or share sold; and (xi) such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares. The commission may operate the daily numbers game 7 days a week. Each physical state lottery ticket or share shall have imprinted thereon the state seal and a serial number.

(b) The commission may establish, and from time-to-time revise, such rules and regulations as it deems necessary or desirable and shall file the same with the office of the state secretary. The commission shall establish rules and regulations for lotteries conducted online, over the internet or through the use of a mobile application that shall, at a minimum:
(i) require age verification measures to be reasonably designed to block access to and prevent sales of lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means to persons under the age of 18;

(ii) limit sales of lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means to transactions initiated and received, or otherwise made, within the commonwealth;

(iii) allow any player to voluntarily prohibit or otherwise exclude themself from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means;

(iv) establish maximum limits for account deposits and transactions of lottery tickets, games or shares conducted online, over the internet, through the use of a mobile application or through any other means and allow players to reduce their own deposit or transaction limit at any time;

(v) clarify that any cash deposited and unspent in a lottery account belongs solely to the owner of the account and may be withdrawn by the owner at any time subject to the satisfaction of controls or policies put in place to maintain security of customer funds and to prevent fraud and unauthorized or unlawful withdrawals;

(vi) require the commission to implement promotional activities to encourage the purchase of lottery tickets, games or shares through licensed sales agents; and

(vii) require within any online system a search function to find nearby licensed sales agents offering lottery sales at brick-and-mortar retail stores in the commonwealth.

(c) Notwithstanding any general or special law to the contrary, the name, address, transaction history, account balance or other personal or identifying information of an individual who purchases lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means shall not be deemed public records of the commission for the purposes of section 10 of chapter 66; provided, however, that this subsection shall not prohibit the commission from using a prize winner’s name, city or town of residence or photograph to publicize a lottery prize claim in excess of $600; and provided, further that this subsection shall not prohibit the commission from maintaining, using or sharing such information in the course of lottery-conducted investigation or an investigation by law enforcement or in compliance with sections 28A or 28B.

(d) The commission shall advise and make recommendations to the director regarding the operation and administration of the lottery. The commission shall report monthly to the governor, the attorney general and the general court the total lottery revenues, prize disbursements and other expenses for the preceding month and shall make an annual independently audited financial report to the same, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, including such recommendations as it may deem necessary or advisable, which shall be made available.
electronically to the general public not later than the earliest date established for reports in section 12 of chapter 7A. The commission shall report immediately to the governor and the general court any matters that require immediate changes in the laws of the commonwealth to prevent abuses and evasions of the lottery law or rules and regulations promulgated thereunder, or to rectify undesirable conditions in connection with the administration or operation of the state lottery.

(e) The commission may carry on a continuous study and investigation of the lottery throughout the commonwealth in order to: (i) ascertain any defects in the state lottery law or in the rules and regulations issued thereunder whereby any abuse in the administration and operation of the lottery or any evasion of said law or said rules and regulations may arise or be practiced; (ii) formulate recommendations for changes in said law and the rules and regulations promulgated thereunder to prevent such abuses and evasions; and (iii) guard against the use of said law and rules and regulations issued thereunder as a cloak for the carrying on of organized gambling and crime.

(f) The commission shall make a continuous study and investigation of: (i) the operation and administration of similar laws in other states or countries; (ii) any literature on the subject that from time-to-time may be published or available; (iii) any federal laws that may affect the operation of the lottery; and (iv) the reaction of citizens of the commonwealth to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to better serve and implement the purposes of the state lottery law.

(g) The concurrence of the chair and not less than 2 other members of the commission shall be required for all official actions of the commission. A copy of the minutes of each meeting of the commission, including any rules and regulations adopted by the commission or any amendments thereof, shall be forthwith transmitted, by and under the certification of the secretary thereof, to the governor.

(h) The commission shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any matter over which it has jurisdiction, control or supervision. The commission shall have the power to administer oaths and affirmations to persons whose testimony is required.

SECTION 7. Section 24A of said chapter 10, as appearing in the 2022 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) For the purposes of this section, “group agreement” shall mean any lottery activity in which the commission participates pursuant to a written agreement between the commission, on behalf of the commonwealth, and any state, territory, country or other sovereignty. The commission is hereby authorized to enter into agreements with 1 or more states or other jurisdictions, hereinafter referred to as a group, for the purpose of creating and maintaining multi-jurisdictional lottery games, including multi-jurisdictional lottery games to be conducted online, over the internet, through the use of a mobile application or through any other means; provided, that any such lottery game to be conducted online, over the internet, through the use of
a mobile application or through any other means has been properly authorized by each state or
other jurisdiction that is part of the group; provided further, that a group agreement shall not
include the state lottery games created pursuant to section 24; and provided further, that nothing
in this section and nothing in a group agreement shall authorize the commission to make
expenditures that are not consistent with restrictions on expenditures by the commission
provided for in any other general or special law. The group shall determine the types of lotteries
to be conducted, the prices of tickets or shares, the manner of selecting the winning tickets or
shares, the manner of payment of prizes to the holders of winning tickets or shares and the
frequency of the drawings or selection of winning tickets or shares. The commission may
establish, and from time-to-time revise, such rules and regulations as it deems necessary or
desirable to carry out the group agreement and shall file the same with the office of the state
secretary.

SECTION 8. Said chapter 10 is hereby further amended by striking out section 25 and
inserting in place thereof the following section:-

Section 25. (a) The apportionment of the total revenues accruing from the sale of lottery
tickets or shares and from all other sources at the point of sale at a licensed agent shall be as
follows: (i) the payment of prizes to the holders of winning tickets or shares, which in any case
shall be no less than 45 per cent of the total revenues accruing from the sale of lottery tickets; (ii)
the payment of costs incurred in the operation and administration of the lottery, including the
expenses of the commission and the costs resulting from any contract or contracts entered into
for promotional, advertising or operational services or for the purchase or lease of lottery
equipment and materials, which in no case shall exceed 15 per cent of the total revenues accruing
from the sale of lottery tickets or shares, subject to appropriation; and (iii) the balance shall be
used to fund budgeted aid to cities and towns as provided in section 18C of chapter 58, subject to
appropriation.

(b) The apportionment of the total revenues accruing from the sale of lotteries conducted
online, over the internet, through the use of a mobile application or through any other means as
authorized by section 24 except for those enumerated in subsection (a) shall be as follows: (i) the
payment of prizes to the holders of winning tickets or shares; (ii) the payment of costs incurred
in the operation and administration of such lotteries, including the expenses of the commission
and the costs resulting from any contract or contracts entered into for promotional, advertising or
operational services or for the purchase or lease of lottery equipment and materials, which in no
case shall exceed 5 per cent of the total revenues accruing from the sale of lottery tickets or
shares; and (iii) the balance shall be transferred to the Early Education and Care Operational
Grant Fund established in section 19 of chapter 15D.

SECTION 9. Section 26 of said chapter 10, as appearing in the 2022 Official Edition, is
hereby amended by striking out the first sentence and inserting in place thereof the following
sentence:- The state treasurer shall, subject to the approval of the governor, appoint a director of
the state lottery, hereinafter called the director, who shall serve at the pleasure of the state
treasurer, shall devote their entire time and attention to the duties of the office and to such
official duties specified by the state treasurer subject to the approval of the governor, and shall
receive such salary as the commission may determine.

256
SECTION 10. Said section 26 of said chapter 10, as so appearing, is hereby further amended by striking out, in lines 39 to 40, the words “, provided, however, that no person shall be assigned more than one license to sell lottery tickets or shares”.

SECTION 11. The second paragraph of section 27 of said chapter 10, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:—No member of the commission or covered state employee or member of their immediate family residing in the same household in the principal place of abode of any member of the commission or covered state employee, or legal entity that includes such a person as an officer, director, member, partner, owner, investor or an individual that has a financial interest in the entity, unless said interest is in a publicly traded company by ownership of shares of less than 10 per cent of all issued stock, shall be issued a license to sell lottery tickets. For the purposes of this paragraph, “covered state employee” shall mean a state employee, as defined in section 1 of chapter 268A, or a special state employee, as defined in section 1 of chapter 268A, of the commission, and “immediate family” shall have the same meaning as defined in section 1 of chapter 268A.

SECTION 12. Section 27A of said chapter 10, as so appearing, is hereby amended by striking out, in lines 31 to 33, inclusive, the words “in a newspaper of general circulation in the area including the municipality where said Keno licensee will operate” and inserting in place thereof the following words:—on the commission’s website.

SECTION 13. Section 31 of said chapter 10, as so appearing, is hereby amended by inserting after the words “any member or employee of the commission”, in line 3, the following words:—, except as authorized by the director for investigative purposes,.

SECTION 14. Section 7 of chapter 12C of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “hospital, ambulatory surgical center and surcharge payor”, and inserting in place thereof the following words:—hospital and ambulatory surgical center.

SECTION 15. Said section 7 of said chapter 12C, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 16. Said chapter 12C is hereby further amended by inserting after section 7 the following section:—

Section 7A. There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as the Center for Health Information and Analysis Fund, which shall be administered by the executive director. The fund shall be credited with: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (ii) appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (iii) funds from public and private sources, including, but not limited to, gifts, federal financial participation, grants and donations; and (iv) any interest earned on the assets of the fund. Amounts credited to the fund shall be expended,
without further appropriation, for the expenses of the center and for the other purposes described in this chapter. For the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the fund may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of amounts credited to the fund during the period of the timing discrepancy or the most recent revenue estimate as reported in the state accounting system. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund.

SECTION 17. Chapter 15A of the General Laws is hereby amended by inserting after section 19E the following 2 sections:-

Section 19F. (a) Subject to appropriation, the board shall, in consultation with the board of early education and care, establish an early education and care educator scholarship program for current and prospective early education and care sector educators. The program shall be administered by the board, in consultation with the board of early education and care, consistent with clause (10) of the second paragraph of section 5 of chapter 15D.

(b) To be eligible for the scholarship program, recipients shall demonstrate that they are either: (i) a current early education and care educator employed or seeking employment with an early education and care provider in the commonwealth; or (ii) a prospective early education and care educator who is enrolled in or has agreed to enroll in an associate, bachelor or graduate-level degree program in the early education and care field in the commonwealth; provided, that recipients of the scholarship program shall commit to providing early education and care in the commonwealth for a term of service to be determined by the board in consultation with the board of early education and care.

(c) Preference for scholarships shall be given to applicants identified as educators who have displayed a proven commitment to early childhood education or who are members of a socially or economically disadvantaged community.

(d) A scholarship granted pursuant to this section may be used to cover the cost of tuition, fees or course-related expenses, including, but not limited to, personal child care expenses in order to attend classes and class meetings and other supports deemed appropriate by the board, in consultation with the board of early education and care, for current and prospective early education and care educators to obtain credentials or associate, bachelor or graduate-level degrees to meet the educator and program quality standards of the department of early education and care.

(e) The board, in consultation with the board of early education and care, shall promulgate regulations or guidelines governing the scholarship program, which shall include procedures for repayment of the amount of scholarship benefits for a recipient who participates in the program but fails to complete the commitment or other requirements.

Section 19G. (a) Subject to appropriation, the board shall, in consultation with the board of early education and care, establish an early education and care educator loan forgiveness
program for early education and care educators pursuant to clause (10) of the second paragraph of section 5 of chapter 15D. Preference for loan forgiveness shall be given to applicants identified as early education and care educators in the commonwealth who have displayed a proven commitment to early childhood education and who either: (i) work in communities predominantly serving children and families with high needs; or (ii) work in regions with a shortage of early education and care slots.

(b) The board, in consultation with the board of early education and care, shall promulgate regulations or guidelines necessary to implement this section, which shall include procedures for default of the loan forgiveness program for a recipient who participates in the program but fails to complete the commitment or other requirements.

SECTION 18. Section 1A of chapter 15D of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 98 to 100, inclusive, the words "*, but the number of children under the age of 16 in a large family child care home shall not exceed 10, including participating children living in the residence”.

SECTION 19. Section 2 of said chapter 15D, as so appearing, is hereby amended by adding the following 2 clauses:-

(v) in consultation with the data advisory commission established in section 12B, annually collect data, to the extent feasible, on: (1) the number of for-profit organizations that own or franchise centers in multiple states, which operate center-based programs in the commonwealth; (2) the number of center-based programs that are not programs pursuant to subclause (1); (3) the number of early education and care providers serving children and families; (4) the number of employees at early education and care providers, delineated by job position and full-time or part-time designation; (5) pay rates and employer-paid benefits for employees at early education and care providers, delineated by job position and full-time or part-time designation; (6) tuition charged by early education and care providers for full and part-time early education and care, delineated by age group and region; (7) the number of children enrolled by early education and care providers, delineated by region, age, type of care, family income range, race, ethnicity, country of origin, disability status, receipt of early intervention services, primary language of the household and the number of adults in the household; (8) the number of children receiving child care financial assistance, delineated by region, age, family income, race, ethnicity, country of origin, disability status, receipt of early intervention services, primary language of the household and number of adults in the household; (9) the total cost of child care financial assistance provided by the department; (10) the average monthly number of utilized and unutilized contracted slots and vouchers, delineated by region and type of care; and (11) the average monthly number of children on the department’s waitlist for child care financial assistance, delineated by region, age, type of care, family income range, race, ethnicity, country of origin, disability status, receipt of early intervention services, primary language of the household and number of adults in the household; provided, that the department shall include a summary of the data collected pursuant to this clause in the department’s annual report required pursuant to subsection (g) of section 3; and
(w) develop, maintain and disseminate a written early education and care informational
guide, accessible through the department’s website and available in multiple languages,
containing resources for parents of newborns, including, but not limited to: (1) information on
the short and long-term developmental benefits of a quality early education and care curriculum;
(2) the department’s role in licensing providers and conducting background record checks and
the differences between licensed and unlicensed providers; (3) child care financial assistance
eligibility requirements and application process; and (4) the website for families to access an
online directory, searchable by geographic location, of licensed child care programs across the
commonwealth; provided, however, that the department shall disseminate the guide at accessible
locations, including, but not limited to: (A) public libraries; (B) family resource centers; (C)
hospitals with maternity services; and (D) birthing centers.

SECTION 20. The first paragraph of subsection (g) of section 3 of said chapter 15D, as
so appearing, is hereby amended by adding the following 2 sentences:- The report shall
summarize data collected pursuant to clause (v) of the second paragraph of section 2 and shall
provide information and examples on barriers to collecting data required pursuant to said clause
(v). The report shall summarize data collected for the operational grant program established
pursuant to section 20.

SECTION 21. Said chapter 15D is hereby further amended by inserting after section
12A the following section:-

Section 12B. (a)(1) There shall be a data advisory commission to make recommendations
for the purpose of improving access to high-quality and affordable early education and care
services, 1 of whom shall be appointed by the Massachusetts Association for Early Education &
Care, Inc., 1 of whom shall be appointed by Neighborhood Villages Inc., 1 of whom shall be
appointed by the Massachusetts Head Start Association, Inc., 1 of whom shall be appointed by
the Massachusetts Afterschool Partnership, Inc., 1 of whom shall be appointed by the Common
Start Coalition, 1 of whom shall be appointed by the Massachusetts Early Childhood Funder
Collaborative, 1 of whom shall be appointed by The Massachusetts Business Roundtable, Inc., 1
of whom shall be appointed by the Massachusetts Business Coalition for Early Childhood
Education, 1 of whom shall be appointed by Jumpstart for Young Children, Inc. and 1 of whom
shall be appointed by Massachusetts Taxpayers Foundation, Inc.; and 5 members who shall be
appointed by the commissioner, 1 of whom shall be a family-based early education and care
provider, 1 of whom shall be a center-based early education and care provider, 1 of whom shall
be a parent of a child currently enrolled in an early education and care program, 1 of whom shall
have professional experience and knowledge in the area of data collection, quality and usage in
establishing education policy and improving child and family outcomes and 1 of whom shall be a
prospective early education and care educator enrolled in a training or degree program.
Appointees on the advisory commission shall reflect geographically diverse regions of the
commonwealth to ensure regional equity within the commission.

(c) Annually, not later than December 1, the data advisory commission shall submit a
report with recommendations and findings to the clerks of the house of representatives and the
senate, the house and senate committees on ways and means and the joint committee on
education. The report shall be made publicly available on the department’s website.

SECTION 22. Said chapter 15D is hereby further amended by adding the following 2
sections:-

Section 19. (a) There shall be established and set up on the books of the commonwealth a
separate, non-budgeted special revenue fund known as the Early Education and Care Operational
Grant Fund, which shall be administered by the department. Amounts credited to the fund shall
be expended, subject to appropriation, to provide a funding stream to support the operational
grant program for early education and care providers in the commonwealth established pursuant
to section 20. The unexpended balance in the fund at the end of a fiscal year shall remain
available for expenditure in subsequent fiscal years. The fund shall not be subject to section 5C
of chapter 29.

(b) The fund shall be credited with: (i) revenue received pursuant to clause (iii) of
subsection (b) of section 25 of chapter 10; (ii) other money authorized by the general court and
specifically designated to be credited to the fund; (iii) funds from public and private sources,
including, but not limited to, gifts, grants and donations; and (iv) interest earned on such money.

Section 20. (a) The department shall establish, distribute and maintain an operational
grant program for early education and care providers to provide high-quality and sustainable
ingeducation and care.

(b) Eligible uses for operational grants by early education and care providers shall
include, but shall not be limited to: (i) salaries, benefits, bonuses, professional development and
access to continuing education opportunities for staff; (ii) enabling early education and care
providers to maintain or increase capacity; (iii) increasing affordability of early education and
care to families, including, but not limited to, reducing tuition and fees paid by families or
offering scholarships to families; (iv) enabling early education and care providers to expand
hours of operation to meet the needs of children and families; (v) improving facilities and
physical spaces used by the early education and care provider; and (vi) enabling early education
and care providers to purchase high-quality, evidence-based early literacy materials.

(c) As a condition for receiving operational grants pursuant to this section, early
education and care providers shall respond to all data collection requests and surveys from the
department.

(d) The department shall include in the annual report required pursuant to subsection (g)
of section 3 data and analysis on the status of the operational grant program, including, but not
limited to: (i) the number of total educators employed at early education and care providers
receiving operational grant funding, broken down by region; (ii) the number of children enrolled
at early education and care providers receiving operational grant funding; (iii) impacts of the
operational grant program distribution formula on providers, families and low-income and at-risk
children; (iv) an analysis of the amount of grant funding distributed to each early education and
care provider, including amounts spent by each early education and care provider delineated by
category of spending; (v) an analysis on the operational grant program’s impact on provider
sustainability, the availability of early education and care slots and the early education and care
workforce; (vi) demographic data on the families served by early education and care providers,
delineated by region; (vii) to the extent feasible, any data related to the family income of families
served by early education and care providers, delineated by region; and (viii) an analysis on the
operational grant program’s impact on affordability of and access to high-quality early education
and care.

(e) In order to prioritize low-income and at-risk children, the department shall annually
distribute operational grant funding through a weighted 3-tier formula:

(i) providers with enrollment including at least 25 per cent of children receiving child
care financial assistance shall receive not less than 50.5 per cent of operational grant funding
distributed in a fiscal year;

(ii) providers with enrollment including at least 1 per cent but less than 25 per cent of
children receiving child care financial assistance shall receive not less than 28.4 per cent of
operational grant funding distributed in a fiscal year; and

(iii) providers serving no children receiving child care financial assistance shall receive
not more than 21.1 per cent of operational grant funding distributed in a fiscal year.

(f) Any for-profit organization that owns or franchises centers in multiple states and
which operates center-based programs in the commonwealth, shall not be eligible to receive
more than 1/3 of 1 per cent of operational grant funding pursuant to subsection (e); provided,
however, that providers eligible for and receiving funding pursuant to clause (i) of subsection (e)
shall be eligible for more than 1/3 of 1 per cent of the operational grant funding.
SECTION 23. Section 20 of said chapter 15D, as inserted by section 22, is hereby amended by striking out subsections (e) and (f).

SECTION 24. Section 25 of chapter 22C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 2, the words “, which shall be written examinations,”.

SECTION 25. Said section 25 of said chapter 22C, as so appearing, is hereby further amended by inserting after the word “question”, in line 13, the following words:- or assessment.

SECTION 26. Said chapter 22C is hereby further amended by striking out section 26 and inserting in place thereof the following 2 sections:-

Section 26. (a) The colonel may promote uniformed members of the state police who are deemed eligible for promotion by the colonel to the title of noncommissioned officer or lieutenant. Promotional examinations to the title of noncommissioned officer or lieutenant shall include a written test and may include an assessment process designed to evaluate a uniformed member’s knowledge, skills and abilities related to the position. The assessment process, if utilized, and the written test shall be developed in consultation with, and validated by, a certified organizational psychologist. A total promotional score shall be based on the uniformed member’s promotional examination score and a longevity score.

(b)(1) The colonel shall promulgate regulations on the promotional process, including, but not limited to, the validation of promotional examinations, the specific components of promotional examinations, the weighting of such components and the calculation and weighting of longevity scores. For a uniformed member who is a veteran, the regulations shall provide for the uniformed member’s promotional score on the written examination to be increased by 2 percent and may provide for veteran status to be recognized in other ways in the promotional examination process.

(2) The colonel may promulgate regulations providing for minimum scores on the promotional examination, or portions thereof, to be met by uniformed members to be eligible for promotion. Such minimum scores shall be set in consultation with a certified organizational psychologist before or after administration of the relevant examination.

(c) To be eligible to participate in a promotional examination for the title of noncommissioned officer, a uniformed member shall, at a minimum, have completed not less than 5 years of service as a uniformed member immediately before the final date for the filing of applications for such examination and have completed, in the immediately preceding year, 1 full year of service in the next lower rank or title. To be eligible to participate in a promotional examination for the title of lieutenant, a uniformed member shall, at a minimum, have completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and have completed not less than 8 years of service as a uniformed member prior to the final date for filing applications for such examination.
(d)(1) Prior to making any promotions under this section, the colonel shall publish and
distribute in the orders of the department for each title in the department a list of the members
who are eligible for promotion to each such title. Each eligible list for promotion shall be used by
the colonel to fill vacancies for a period of not less than 2 years and in no circumstances more
than 5 years from the initial date of publication; provided, however, that the colonel may shorten
the period to less than 2 years if the colonel reasonably determines that termination of the
eligible list is required to avoid a violation of law.

(2) The colonel shall promulgate regulations detailing how selections for promotion are
to be made from the list of eligible members. The regulations may allow for the grouping of the
eligibility list into bands, based on promotional scores.

Section 26A. (a) The colonel may promote uniformed members to the title of captain. To
be eligible for promotion to the title of captain, a uniformed member shall: (i) successfully pass a
promotional examination which may include a written test, an assessment process designed to
evaluate a member’s knowledge, skills and abilities related to the position, or a combination of
an examination and an assessment process; (ii) have not less than 2 cumulative years of service
in the title of lieutenant or detective lieutenant before the final date for the filing of applications
for the promotional examination; and (iii) have not less than 15 years of service as a uniformed
member before the final date for the filing of applications for the promotional examination. The
assessment process, if utilized, and the written test, if utilized, shall be developed in consultation
with, and validated by, a certified organizational psychologist.

(b) The colonel may promulgate regulations providing additional promotional criteria for
the title of captain, which may include demonstration of leadership attributes, employment
history inside and outside of the department, disciplinary history, professional development and
other criteria the colonel reasonably concludes are related to the performance of the job of
captain.

SECTION 27. The second paragraph of section 27 of said chapter 22C, as appearing in
the 2022 Official Edition, is hereby amended by adding the following sentence:- The colonel
shall promulgate regulations establishing any requirements for promotion to the title of major,
including, but not limited to, any required length of term of service for promotion to the title of
major.

SECTION 28. Section 28 of said chapter 22C is hereby repealed.

SECTION 29. Section 2 of chapter 23J of the General Laws is hereby amended by
striking out, in lines 49 to 52, inclusive, as appearing in the 2022 Official Edition, the words “1
of whom shall be the executive director of the Massachusetts Workforce Alliance, Inc.; 1 of
whom shall be the commissioner of energy resources or their designee; and 8 of whom shall be
appointed by the governor” and inserting in place thereof the following words:- 1 of whom shall
be the commissioner of energy resources or their designee; and 9 of whom shall be appointed by
the governor, 1 of whom shall have the knowledge and experience in workforce development
policy and programming for the clean energy industry.
SECTION 30. Section 2O of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the word “note”, in line 79, the following words:—, and the income surtax as defined in subsection (a) of section 2BBBBBB shall not be reduced below the dedicated transportation income surtax revenue amount as defined in said subsection (a) of said section 2BBBBBB; provided, that $63,000,000 of the dedicated transportation income surtax revenue amount shall be for debt service on bonds or notes; provided further, than not less than $127,000,000 of the dedicated transportation income surtax revenue amount shall be for the Massachusetts Bay Transportation Authority for operating subsidies; and provided further, that not less than $60,000,000 of the dedicated transportation income surtax revenue amount shall be for the Massachusetts Department of Transportation for operations.

SECTION 31. Section 2TTTT of said chapter 29, inserted by section 22 of chapter 126 of the acts of 2022, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsections:—

c)(1) The secretary shall expend money in the fund, including all amounts credited to the fund, for payments to qualifying acute hospital providers under contract with the executive office of health and human services or under subcontracts with care organizations that contract with the executive office in connection with the MassHealth program as provided further, in paragraphs (2) to (4), inclusive.

(2) The secretary shall annually expend amounts from the fund averaging, for the 3 year period from October 1, 2024 through September 30, 2027, not less than $1,787,589,184 per year; provided, however, that all such payments shall fall into 1 of the following categories: (i) health equity incentive payments; (ii) clinical quality incentive payments; (iii) other incentive payments; (iv) rate payments for services provided to MassHealth members; or (v) targeted payments to: (A) freestanding pediatric acute hospitals; or (B) nonprofit teaching acute hospitals that provide medical, surgical, emergency and obstetrical services and are affiliated with a state-owned medical school. The secretary may determine funding allocations among and within each such category within a given year; provided, however, that such allocations shall be consistent with all approved federal waivers and state plan provisions; and provided further, that the secretary shall allocate an average of not less than $560,000,000 per year, for the 3 year period from October 1, 2024 through September 30, 2027, for the rate payments described in clause (iv).

(3) Of the targeted payments described in clause (iv) of paragraph (2), the secretary shall expend annually from the fund: (i) $25,000,000 to freestanding pediatric acute hospitals, of which at least 90 per cent shall be paid to the freestanding pediatric hospital with the largest volume of inpatient discharges in fiscal year 2019; and (ii) $25,000,000 to nonprofit teaching acute hospitals that provide medical, surgical, emergency and obstetrical services and are affiliated with a state-owned medical school.

(4) Of the incentive payments described in clauses (i) and (ii) of paragraph (2), the secretary shall make interim payments to qualifying hospitals based on the secretary’s estimate of each such hospital’s final payment for the measurement period, with each such estimate as determined by the secretary. As soon as practicable after the close of the measurement period,
the secretary shall determine the final amount of each qualifying hospital’s incentive payments
and shall reconcile each hospital’s interim payment with its final payment.

SECTION 32. Section 2BBBBBB of said chapter 29, inserted by section 17 of chapter
28 of the acts of 2023, is hereby amended by striking out subsection (a) inserting in place thereof
the following 2 subsections:-

(a) As used in this section, the following words shall, unless the context clearly requires
otherwise, have the following meanings:

“Dedicated transportation income surtax revenue amount”, the amount of $250,000,000
for each fiscal year.

“Income surtax”, the tax pursuant to subsection (d) of section 4 of chapter 62.

“Income surtax revenue”, income tax revenue from the additional 4 per cent income tax
levied on annual taxable income in excess of $1,000,000, as adjusted, pursuant to Article XLIV
of the Amendments to the Constitution of the Commonwealth.

“Remaining income surtax revenue”, in each fiscal year, the income surtax revenue less
the dedicated transportation income surtax revenue amount; and in each calendar quarter, the
portion of the income surtax revenue collected in such calendar quarter, less the portion
attributable to the dedicated transportation income surtax revenue amount.

“Transportation income surtax revenue”, income tax revenue from the tax specified in
subsection (d) of section 4 of chapter 62 and used for transportation purposes.

(a½) The dedicated transportation income surtax revenue amount shall be credited to the
Commonwealth Transportation Fund established pursuant to section 2ZZZ. The sums to be
credited to the Commonwealth Transportation Fund pursuant to this subsection are hereby
impressed with a trust for the benefit of the holders from time-to-time of any special obligation
bonds or notes payable solely from monies credited to the Commonwealth Transportation Fund
as provided in section 2O.

SECTION 33. Subsection (b) of said section 2BBBBBB of said chapter 29, as appearing
in said section 17 of said chapter 28, is hereby amended by inserting after the word “revenue” the
following words:- , excluding the dedicated transportation income surtax revenue amount.

SECTION 34. Subsection (d) of said section 2BBBBBB of said chapter 29, as so
appearing, is hereby amended by striking out the words “collected and deposited into the
Education and Transportation Fund”.

SECTION 35. Subsection (e) of said section 2BBBBBB of said chapter 29, as so
appearing, is hereby amended by striking out the words “collected and deposited into the
Education and Transportation Fund”.
SECTION 36. Said section 2BBBBBB of said chapter 29, inserted by said section 17 of said chapter 28, is hereby amended by striking out subsections (f) and (g) and inserting in place thereof the following 2 subsections:—

(f) The annual spending threshold shall be equal to the prior year spending threshold, less the dedicated transportation income surtax revenue amount, plus an adjustment factor equal to the 10-year rolling rate of growth of income subject to the tax specified in subsection (d) of section 4 of chapter 62, as certified by the commissioner of revenue. For years in which the tax specified in subsection (d) of section 4 of chapter 62 was not in effect, the commissioner shall calculate the amount of income that would have been subject to the taxes, adjusted for increases in the cost of living in the same manner as described in Article XLIV of the Amendments to the Constitution of the Commonwealth and set forth pursuant to paragraph (d) of section 4 of chapter 62.

(g) Any expenditures authorized from the Education and Transportation Fund shall be subject to sections 9B and 9C, without respect to whether such purposes would otherwise be subject to allotment.

SECTION 37. Said chapter 29 is hereby further amended by inserting after section 2DDDDDD, inserted by said section 17 of said chapter 28, the following 4 sections:—

Section 2EEEEEE. (a) There shall be established and set up on the books of the commonwealth a separate non-budgeted special revenue fund known as the Massachusetts Child Psychiatry Access Project Fund, which shall be administered by the secretary of health and human services. There shall be credited to the fund: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended without further appropriation.

(b) The secretary shall annually make available amounts from the fund solely for the expenses of the Massachusetts Child Psychiatry Access Project operated by the department of mental health, in an amount equal to the amount described in the definition of “Massachusetts Child Psychiatry Access Project revenue amount” set forth in section 64 of chapter 118E.

(c) To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary to be transferred, credited or deposited pursuant to this section; provided, that the secretary shall, to the maximum extent possible, administer the fund to obtain federal financial participation for the expenditures of non-federal money from the fund.

(d) If the amount in the fund exceeds the amount sufficient to make the payments described in subsection (b), at any point in time, as determined by the secretary, the secretary
may transfer the state’s share of such amount to the General Fund, the Health Safety Net Trust Fund established in section 66 of chapter 118E or the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFF; provided, however, that no such transfer shall cause a deficit in this fund.

Section 2FFFFFF. (a) There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as the Managed Care Organization Services Reinvestment Fund, which shall be administered by the secretary of health and human services. There shall be credited to the fund: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended, without further appropriation, to make payments to Medicaid managed care organizations, as defined in section 64 of chapter 118E.

(b) Money in the fund shall be expended for Medicaid payments under an approved state plan or federal waiver; provided, however, that all payments from the fund shall be: (i) subject to the availability of federal financial participation; (ii) made only under federally-approved payment methods; (iii) consistent with federal funding requirements and all applicable federal payment limits as determined by the secretary; and (iv) subject to the terms and conditions of applicable agreements between Medicaid managed care organizations and the executive office of health and human services.

(c) To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary to be transferred, credited or deposited under this section. The secretary shall, to the maximum extent possible, administer the fund to obtain federal financial participation for the expenditures of non-federal money from the fund. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal years.

(d)(1) The secretary shall expend money in the fund, including all amounts credited to the fund, as provided in paragraphs (2) and (3).

(2) The secretary shall annually expend amounts from the fund for payments to Medicaid managed care organizations, as defined in section 64 of chapter 118E, averaging, over a period of 5 years, not less than $246,000,000 per year; provided, however, that such expenditures shall be consistent with all approved federal waivers and state plan provisions.

(3) Notwithstanding the requirements of this section, the secretary shall transfer from the Managed Care Organization Services Reinvestment Fund to the General Fund $57,000,000 in state fiscal year 2025, and $114,000,000 annually thereafter.
(e) If the amount in the fund exceeds the amount sufficient to make the payments described in subsection (d), at any point in time, as determined by the secretary, the secretary may transfer the state’s share of such amount to the General Fund, the Health Safety Net Trust Fund established in section 66 of chapter 118E or the Massachusetts Child Psychiatry Access Project Fund established in section 2EEEEEE; provided, however, that no such transfer shall cause a deficit in this fund.

Section 2GGGGGG. (a) There is hereby established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as the Disaster Relief and Resiliency Fund. There shall be credited to the fund: (i) money appropriated or transferred to the fund; (ii) funds from public or private sources specifically designated for the purposes of this section, including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth; (iii) repayment or reimbursement of money advanced from the fund as determined by the secretary of administration and finance; and (iv) all income derived from investment of amounts credited to the fund. Amounts credited to the fund shall be expended without further appropriation. The unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

(b)(1) The fund shall be administered by the secretary of administration and finance, in consultation with the Massachusetts emergency management agency and the climate chief, who may expend money from the fund to provide emergency disaster relief and alleviate the damage, loss, hardship or suffering caused by a natural or other catastrophic event, including, but not limited to, a hurricane, tornado, storm, extreme rain, flood, tidal wave, earthquake, volcanic eruption, landslide, mudslide, snowstorm, extreme wind, extreme heat or cold temperature, explosion, catastrophic agricultural loss, fire or drought, which may include a circumstance in which a federal disaster declaration has not been made, or to supplement or advance funding related to a federal or state disaster declaration.

(2) The secretary, in consultation with the Massachusetts emergency management agency and the climate chief, shall ensure that funds shall be allocated in a manner that enhances the resilience of infrastructure, including, but not limited to, nature-based solutions and strengthening protections from the impacts of future disasters.

(3) The executive office for administration and finance, in consultation with the Massachusetts emergency management agency and the climate chief, shall develop program regulations and guidance for the implementation of the program which shall include, but shall not be limited to, an application process, including, but not be limited to, grant applications and eligibility criteria for the distribution of money from the fund. Program regulations and guidance shall: (i) maximize existing federal and commonwealth disaster relief and recovery programs and requirements; and (ii) prioritize and incentivize utilization of available federal disaster relief and recovery programs, insurance, loss prevention and mitigation and valid legal claims for compensation.

(c)(1) Municipalities and other units and instrumentalities of state, local and regional government, non-profit organizations, businesses and individual residents of the commonwealth
shall be eligible to receive funds consistent with regulations or guidance pursuant to paragraph (3) of subsection (b).

(2) Payments may be distributed as reimbursements, loans, grants, matching funds, formula funds, cost share payments, debt forgiveness or as otherwise determined in regulations or guidance pursuant to paragraph (3) of subsection (b).

(d) Annually, not later than December 31, the secretary shall file a report with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the chairs of the joint committee on emergency preparedness and management, including: (i) all expenditures from the fund; (ii) the amount of each expenditure; (iii) recipients; (iv) the reason for each expenditure; (v) income received by the fund during that calendar year; (vi) programs developed or supported by the fund, including eligibility criteria for qualifying events and applicants for relief; and (vii) the application approval and submission process.

Section 2HHHHHH. (a) For the purposes of this section, the term “disadvantaged community” shall mean a municipality in the commonwealth bearing disproportionate economic, health or environmental burdens as determined by the director of the division of environmental protection within the office of the attorney general, established pursuant to section 11D of chapter 12, including, but not limited to, poverty, high unemployment, air and water pollution, disproportionate heat exposure, lack of access to green space, presence of hazardous and solid waste and material and high incidence of cardiovascular and respiratory disease and high rates of mortality.

(b) There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund, known as the Environmental Justice Fund, which shall be administered by the director of the division of environmental protection within the office of the attorney general.

(c) Expenditures may be made from the fund, without further appropriation: (i) for the restoration of any natural resource or the investigation, remediation or mitigation of any environmental pollution or harm on or at any real property located in a disadvantaged community; (ii) for any project to benefit the community health or well-being, whether to address economic, environmental or other health needs of a disadvantaged community; or (iii) to contribute to an academic or government-funded research project related to environmental protection or conservation of natural resources in a disadvantaged community.

(d) The fund shall be credited with: (i) appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public or private sources, including, but not limited to gifts, grants and donations; (iii) payments from settlements, judgments, fines or penalties not designated by law for other specific statutory purposes in any action brought by the attorney general pursuant to section 11D of chapter 12 or any provision of any environmental statute that the attorney general may enforce providing for a civil penalty for a violation of such provision; and (iv) any interest earned on such funds. Funds that remain unexpended at the end of a fiscal year shall not revert to the
General Fund and shall be available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

SECTION 38. Section 58 of chapter 30 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

If an employee of the commonwealth has received payments pursuant to chapter 175M and subsequently receives workers’ compensation payments pursuant to chapter 152 for the same time period, the commonwealth employer shall, on behalf of the commonwealth employee, return to the department of family and medical leave such portions of the workers’ compensation payment that represent an overpayment of benefits under section 3 of chapter 175M.

SECTION 39. Section 1 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the figure “2022” and inserting in place thereof the following figure:- 2024.

SECTION 40. Paragraph (a) of part B of section 3 of said chapter 62, as amended by section 7 of chapter 50 of the acts of 2023, is hereby further amended by striking out subparagraph (6).

SECTION 41. Paragraph (2) of subsection (a) of section 6 of chapter 62C of the General Laws, as appearing in section 24 of chapter 50 of the acts of 2023, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A married couple shall file a joint return for any year in which they file a joint federal income tax return; provided, however, that this requirement shall not apply if at least 1 spouse would not otherwise be required to make a return under paragraph (1) because their Massachusetts gross income did not exceed $8,000.

SECTION 42. Section 6 of chapter 64H of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 218 and 219, the words “, publications of any corporation, foundation, organization or institution described in paragraph (e) of this section,.”.

SECTION 43. Section 1P of chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in lines 128 to 133, inclusive, the words “1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework” and inserting in place thereof the following words:- 1 of whom shall have experience implementing the self-assessment tool; 1 of whom shall have experience implementing the framework.

SECTION 44. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in lines 293 to 298, inclusive, the definition of “motorized bicycle” and inserting in place thereof the following definition:-
“Motorized bicycle”, a pedal bicycle that has a helper motor, or a non-pedal bicycle that has a motor, with either: (i) a cylinder capacity not exceeding 50 cubic centimeters or a hybrid or electric powered equivalent; or (ii) an automatic transmission, that is capable of a maximum speed of no more than 30 miles per hour; provided, that “motorized bicycle” shall not include an electric bicycle.

SECTION 45. The definition of “Administer” in section 1 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) a registered pharmacist acting in accordance with: (i) regulations promulgated by the department, in consultation with the board of registration in pharmacy and the department of mental health, governing pharmacist administration of medications for treatment of mental health and substance use disorder and at the direction of a prescribing practitioner in the course of the practitioner’s professional practice; (ii) a prescription for testosterone for gender-affirming care in the course of the practitioner’s professional practice; or (iii) a prescription for the treatment of sexually transmitted infections, including those defined in regulation by the department pursuant to section 121B of chapter 111; or.

SECTION 46. Section 23 of said chapter 94C, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Unless otherwise prohibited by statute, prescriptions for the following controlled substances in Schedule II or III may be filled for a maximum of a 90-day supply of such substance upon a single filling for: (i) the treatment of opioid use disorder, including, but not limited to, buprenorphine; (ii) non-opioid controlled substances, including, but not limited to, methylphenidate and testosterone; and (iii) implantable infusion pumps. All other prescriptions for controlled substances in Schedule II or III may be filled for a maximum of a 30-day supply of such substance upon a single filling. Notwithstanding this subsection, the department may provide by regulation that a prescription for a substance in Schedule II or III may be filled for a maximum of less than a 90-day supply upon a single filling if the secretary of health and human services or the board of pharmacy determines that such restriction is needed to address increased abuse of the substance.

SECTION 47. Chapter 111 of the General Laws is hereby amended by striking out section 24N and inserting in place thereof the following section:-

Section 24N. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Children”, individuals less than 19 years of age.

“Estimated vaccine cost”, the estimated cost over the course of a fiscal year for the purchase, storage and distribution of vaccines for all children in the commonwealth.
“Routine childhood immunizations”, immunizations for children until their nineteenth birthday, including: (i) the immunizations recommended by the federal Vaccines for Children Program; and (ii) any immunizations recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention.

“Total non-federal program cost”, the estimated annual cost of vaccines needed for routine childhood immunizations for children in the commonwealth less the amount of federal revenue available to the commonwealth for purchase, storage, distribution and administration of the vaccines.

(b) There shall be established in the commonwealth a separate, non-budgeted special revenue fund to be known as the Vaccine Purchase Fund to support a universal purchase system for routine childhood immunizations in the commonwealth, which shall be administered by the commissioner of public health or a designee. The fund shall be credited with money transferred from the executive office of health and human services pursuant to section 66 of chapter 118E; any voluntary contributions to the fund, including, but not limited to, contributions from third-party payers or third-party administrators, as defined in section 1 of chapter 12C; and any interest earnings on such money. Amounts credited to the fund shall be expended, without further appropriation, to cover the costs to purchase, store and distribute vaccines for routine childhood immunizations and to administer the fund and the immunization registry, established pursuant to section 24M. Funds shall be expended solely to cover total non-federal program costs; provided, however, that the amount to be expended for storing and distributing vaccines for routine childhood immunizations, if such costs are not covered by federal contribution, and for the costs of administering the immunization registry, shall not exceed 10 per cent of the total amount of the fund expended for the purchase of vaccines needed for routine childhood immunizations for all children in the commonwealth. The department may incur expenses, and the comptroller may certify for payment, amounts in anticipation of the most recent estimate of expected receipts, as certified by the secretary of administration and finance; provided, however, that no expenditure shall be made from the fund that shall cause the fund to be in deficit at the close of a fiscal year. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund. The commissioner of public health or a designee shall annually report the amount of funds collected and any expenditures made from the fund to the clerks of the house of representatives and senate, the house and senate committees on ways and means, the house and senate chairs of the joint committee on public health and the house and senate chairs of the joint committee on health care financing.

(c) There shall be a vaccine program advisory council consisting of the commissioner of public health or a designee, who shall serve as chair; the medical director of the universal immunization program of the department of public health established under section 24I; the executive director for the center for health information and analysis or a designee; the executive director of the commonwealth health insurance connector authority or a designee; 1 person to be appointed by the director of Medicaid, who shall be a representative of managed care organizations contracting with MassHealth; 3 persons to be appointed by the commissioner of insurance, each of whom shall be a representative of 1 of the 3 health insurance companies having the most insured lives in the commonwealth; and 7 persons to be appointed by the
commissioner of public health, 1 of whom shall be a representative of an employer that self-
insures for health coverage who shall be appointed from lists of nominees submitted by statewide
associations of employers, 1 of whom shall be a member of the Massachusetts Medical Society,
1 of whom shall be a member of the Massachusetts chapter of the American Academy of
Pediatrics, 1 of whom shall be a member of the Massachusetts Academy of Family Physicians,
and 3 of whom shall be physicians licensed to practice in the commonwealth and who shall have
expertise in the area of childhood vaccines. The council shall recommend the types of vaccines
to be purchased based on a list of routine childhood immunizations and shall take into account
provider preference, cost, availability and other factors as determined by the council. The council
shall recommend the amount of funding needed each fiscal year by calculating the total non-
federal program cost. The council shall make recommendations to the commissioner on whether
the commissioner may authorize provider choice of more than 1 comparable brand or type for a
routine childhood immunization vaccine. In its recommendations, the council shall examine the
feasibility, costs and benefits of authorizing provider choice, provide a schedule of the cost of
each comparable brand or type of a vaccine recommended for provider choice and demonstrate
that the estimated vaccine cost of authorizing provider choice would not be substantially greater
than the estimated vaccine cost of purchasing a single brand or type of a vaccine. The
commissioner of public health shall determine the final vaccines to be purchased.

(d) [reserved].

(e) The department of public health may adopt rules and regulations as necessary to
implement the universal purchase and distribution system under this chapter and other applicable
state and federal laws. The rules and regulations shall establish the system by which vaccines are
distributed for children in the commonwealth.

(f) Every individual or entity that pays for or arranges for the purchase of health care
services provided by acute hospitals and ambulatory surgical center services provided by
ambulatory surgical centers, including managed care organizations, as such term is defined in
section 64 of chapter 118E, but excluding Title XVIII and Title XIX programs and their
beneficiaries or recipients, other governmental programs of public assistance and their
beneficiaries or recipients and the workers’ compensation program established under chapter
152, to the extent not preempted by federal law, shall provide benefits for: (i) routine childhood
immunizations for residents of the commonwealth; and (ii) immunizations for residents of the
commonwealth who are 19 years of age and older according to the most recent schedules
recommended by the Advisory Committee on Immunization Practices of the federal Centers for
Disease Control and Prevention. These benefits shall be exempt from any copayment,
coinsurance, deductible or dollar limit provisions in the health insurance policy or contract.

SECTION 48. Section 121B of said chapter 111, as appearing in the 2022 Official
Edition, is hereby amended by striking out, in line 7, the words “in individual patients” and
inserting in place thereof the following words:– and other sexually transmitted infections suitable
for expedited partner treatment based on national standards, including, but not limited to,
standards outlined in the Center for Disease Control’s Sexually Transmitted Infections Treatment
Guidelines and as further defined in regulation by the department.
SECTION 49. Said section 121B of said chapter 111, as so appearing, is hereby further amended by striking out, in line 9, the word “Chlamydia”.

SECTION 50. Section 10F of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out subsections (d) through (h), inclusive, and inserting in place thereof the following 3 subsections:-

(d) The division shall promulgate regulations necessary to implement the requirements of this section and shall maximize federal financial participation for state expenditures made on behalf of program enrollees.

(e) The division shall report quarterly to the house and senate committees on ways and means and to the joint committee on health care financing on enrollment demographics, claims expenditures and the annualized costs of said program. The division shall file notice with said committees and the secretary of administration and finance not less than 30 days before modifying program benefits and eligibility standards that are intended to ensure that program costs are limited to the funds appropriated therefore.

(f) The program established by this section shall not give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein and nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 51. Section 16C of said chapter 118E, as so appearing, is hereby amended by striking out subsections (4) and (5) and inserting in place thereof the following subsection:-

(4) Eligibility for and the medical benefits provided under said program shall not give rise nor be construed as giving rise to enforceable legal rights for any party or an enforceable entitlement to such eligibility or medical benefits other than to the extent that such rights or entitlements exist pursuant to the regulations of the division, the terms and conditions of the demonstration project established in said section 9A or this section. The provisions of this section shall not establish any rights or entitlements that exceed the rights or entitlements established by Title XIX in the absence of this program or impose any obligations upon the commonwealth’s administration or financing because of implementation of said program would exceed obligations established by Title XIX.

SECTION 52. Section 64 of said chapter 118E, as so appearing, is hereby amended by inserting after the definition of “Bad debt” the following definition:-

“Center for health information and analysis revenue amount”, an amount equal to the sum of the amount collected by the center for health information and analysis from hospitals and ambulatory surgical centers pursuant to section 7 of chapter 12C.

SECTION 53. Said section 64 of said chapter 118E, as so appearing, is hereby further amended by inserting after the definition of “Gross patient service revenue” the following definition:-
“Health policy commission revenue amount”, the amount collected by the health policy commission from hospitals and ambulatory surgical centers pursuant to section 6 of chapter 6D.

SECTION 54. Said section 64 of said chapter 118E, as so appearing, is hereby further amended by striking out the definitions of “Managed care organization” and “Payments subject to surcharge” and inserting in place thereof the following 7 definitions:-

“Health safety net managed care organization revenue amount”, an amount equal to $160,000,000 plus 50 per cent of the estimated cost, as determined by the secretary of administration and finance, of administering the health safety net and related assessments in accordance with sections 65 to 69, inclusive.

“Immunization revenue amount”, the estimated costs to purchase, store and distribute vaccines for routine childhood immunizations and to administer the Vaccine Purchase Fund, established in section 24N of chapter 111, and the computerized immunization registry, established in section 24M of chapter 111, taking into consideration the limitations on expenditures described in subsection (b) of section 24N of chapter 111, as well as any anticipated surplus or deficit in said Vaccine Purchase Fund, but excluding any costs anticipated to be covered by federal contribution.

“Managed care organization”, any of the following entities, as defined in regulations promulgated by the secretary of health and human services: (i) an entity that is accredited pursuant to chapter 176O and that is: (A) licensed or otherwise authorized to transact accident or health insurance pursuant to chapter 175; (B) a nonprofit hospital service corporation organized pursuant to chapter 176A; (C) a nonprofit medical service corporation organized pursuant to chapter 176B; (D) a health maintenance organization organized pursuant to chapter 176G; or (E) an organization entering into a preferred provider arrangement pursuant to chapter 176I; (ii) a Medicaid managed care organization; (iii) a health care organization, as defined in section 2 of chapter 32A; (iv) a self-insured group for which a carrier provides administrative services pursuant to section 21 of chapter 176O; and (v) a health insurance plan that contracts with the commonwealth health insurance connector authority.

“Managed care organization reinvestment revenue amount”, a fixed amount equal to $246,000,000.

“Managed care organization services subject to assessment”, each individual member enrolled per month in a managed care organization for which a premium or membership payment is made by or on behalf of the member; provided, however, that managed care organization services subject to assessment shall not include: (i) members enrolled per month in Medicare managed care organizations; (ii) members dually enrolled per month in both Medicaid and Medicare; (iii) members in a Medicaid managed care organization who are age 65 or older; (iv) members enrolled per month in limited benefit plans, including, but not limited to, dental only or vision only member months, whose services are paid for as part of a subcontract under another managed care organization; or (v) services which are preempted from taxation by section 8909(f) of title 5 of the United States Code.
“Massachusetts Child Psychiatry Access Project revenue amount”, an amount equal to the amounts expended for the Massachusetts Child Psychiatry Access Project that are related to services provided on behalf of commercially insured clients.

“Medicaid managed care organization”, a managed care organization, as defined in 42 CFR 438.2, that contracts with MassHealth pursuant to an approved state plan or federal waiver.

SECTION 55. Said section 64 of said chapter 118E, as so appearing, is hereby further amended by striking out the definition of “Surcharge payor”.

SECTION 56. Said section 64 of said chapter 118E, as so appearing, is hereby further amended by striking out, in line 147, the figure “880,000,000” and inserting in place thereof the following figure: - 1,226,715,133.

SECTION 57. Said section 64 of said chapter 118E, as so appearing, is hereby further amended by striking out the definition of “Total surcharge amount” and inserting in place thereof the following definition:

“Total managed care organization services assessment amount”, an amount equal, for each year, to the sum of the following in the same year: (i) the managed care organization reinvestment revenue amount; (ii) the health safety net managed care organization revenue amount; (iii) the Massachusetts Child Psychiatry Access Project revenue amount; (iv) the immunization revenue amount; (v) the health policy commission revenue amount; (vi) the center for health information and analysis revenue amount; (vii) the amount transferred, pursuant to section 66, to the Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWW of chapter 29; and (viii) the amounts necessary to incorporate prospectively all adjustments or reconciliations to account for under-assessments in the prior year.

SECTION 58. Subsection (b) of section 66 of said chapter 118E, as amended by section 60 of chapter 126 of the acts of 2022, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: - Annually, the office shall transfer from the non-federal money in the fund: (A) $149,300,000 to the Safety Net Provider Trust Fund established in said section 2AAAAA of said chapter 29; (B) $791,915,133 to the Hospital Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29; (C) $115,500,000 to the Population Health Investment Trust Fund established in section 2UUUUU of said chapter 29; and (D) $10,000,000 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW of said chapter 29.

SECTION 59. Said section 66 of said chapter 118E, as amended by section 58, is hereby further amended by striking out subsection (b) and inserting in its place the following subsection:

(b) The fund shall consist of: (i) all amounts paid by hospitals and managed care organizations under sections 67 and 68; (ii) all appropriations for the purpose of payments to acute hospitals or community health centers for health services provided to uninsured and
underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established in section 2OOO of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund established in section 2AAAAAA of chapter 29; (v) any transfers from the Hospital Investment and Performance Trust Fund established in section 2TTTTTT of chapter 29; (vi) any transfers from the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFF of chapter 29; and (vii) all property and securities acquired by and through the use of money belonging to the fund and all interest thereon. There shall also be credited to the fund an amount equal to any federal financial participation claimed and received by the commonwealth for eligible expenditures made from the fund and financed by money transferred from the Hospital Investment and Performance Trust Fund established in section 2TTTTTT of chapter 29, the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFF of chapter 29 or from the Safety Net Provider Trust Fund established in section 2AAAAAA of chapter 29. To accommodate timing discrepancies between the receipt of such revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary of health and human services to be transferred, credited or deposited under this subsection. Annually, the office shall transfer from the non-federal money in the fund: (A) $149,300,000 to the Safety Net Provider Trust Fund established in section 2AAAAAA of chapter 29; (B) $791,915,133 to the Hospital Investment and Performance Trust Fund established in section 2TTTTTT of chapter 29; (C) $115,500,000 to the Population Health Investment Trust Fund established in section 2UUUUU of chapter 29; (D) $10,000,000 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWWW of chapter 29; (E) an amount equal to the managed care organization reinvestment revenue amount to the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFF of chapter 29; (F) an amount equal to the Massachusetts Child Psychiatry Access Project revenue amount to the Massachusetts Child Psychiatry Access Project Fund established in section 2EEEEEE of chapter 29; (G) an amount equal to the health policy commission revenue amount to the Payment Reform Trust Fund established in section 7 of chapter 6D; (H) an amount equal to the immunization revenue amount to the Vaccine Purchase Fund established in section 24N of chapter 111; (I) $33,700,000 to the Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWWW of chapter 29; and (J) an amount equal to the center for health information and analysis revenue amount to the Center for Health Information and Analysis Fund established in section 7A of chapter 12C. The office shall expend amounts in the fund, except for amounts transferred to the Safety Net Provider Trust Fund, the Hospital Investment and Performance Trust Fund, the Population Health Investment Trust Fund, the Non-Acute Care Hospital Reimbursement Trust Fund, the Managed Care Organization Services Reinvestment Fund, the Massachusetts Child Psychiatry Access Project Fund, the Vaccine Purchase Fund, the Center for Health and Information Analysis Fund, the Payment Reform Trust Fund and the Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents, consistent with the requirements of this section, section 69 and the regulations adopted by the office. The amount collected pursuant to clause (vii) of the definition of total managed care organization services assessment amount in section 64 shall be dedicated to reducing the shortfall, as described in subsection (b) of section 69, for year prior to the assessment year. The office shall also annually expend money from the fund for the expenses of the executive office, including the health safety net office under subsection (a), for the administration of the health safety net and related assessments. The office
shall also expend not more than $6,000,000 annually from the fund for demonstration projects
that use case management and other methods to reduce the liability of the fund to acute hospitals.

All interest earned on the amounts in the fund shall be deposited or retained in the fund. The
director shall from time-to-time requisition from the fund amounts that the director considers
necessary to meet the current obligations of the office for the purposes of the fund and estimated
obligations for a reasonable future period.

SECTION 60. Said section 66 of said chapter 118E is hereby further amended by
striking out subsection (b), as amended by section 61 of chapter 126 of the acts of 2022, and
inserting in place thereof the following subsection:-

(b) The fund shall consist of: (i) all amounts paid by hospitals and managed care
organizations under sections 67 and 68; (ii) all appropriations for the purpose of payments to
acute hospitals or community health centers for health services provided to uninsured and
underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established
in section 2OOOO of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund
established in section 2AAAAA of chapter 29; (v) any transfers from the Hospital Investment
and Performance Trust Fund established in section 2TTTTT of chapter 29; (vi) any transfers
from the Managed Care Organization Services Reinvestment Fund established in section
2FFFF of chapter 29; and (v) all property and securities acquired by and through the use of
money belonging to the fund and all interest thereon. There shall also be credited to the fund an
amount equal to any federal financial participation claimed and received by the commonwealth
for eligible expenditures made from the fund and financed by money transferred from the
Hospital Investment and Performance Trust Fund established in section 2TTTTT of chapter 29,
the Managed Care Organization Services Reinvestment Fund established in section 2FFFF of
chapter 29 or from the Safety Net Provider Trust Fund established in section 2AAAAA of
chapter 29. To accommodate timing discrepancies between the receipt of such revenue and
related expenditures, the comptroller may certify for payment amounts not to exceed the most
recent revenue estimates as certified by the secretary of health and human services to be
transferred, credited or deposited under this subsection. Annually, the office shall transfer an
amount equal to all amounts paid by privately-owned, nonfederal hospitals under subsection (b)
of section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section
2WWWW of chapter 29. The office shall annually transfer from the non-federal money in the
fund: (A) an amount equal to the managed care organization reinvestment revenue amount to the
Managed Care Organization Services Reinvestment Fund established in section 2FFFF of
chapter 29; (B) an amount equal to the Massachusetts Child Psychiatry Access Project revenue
amount to the Massachusetts Child Psychiatry Access Project Fund established in section
2EEEEEE of chapter 29; (C) an amount equal to the health policy commission revenue amount
to the Payment Reform Trust Fund established in section 7 of chapter 6D; (D) an amount equal
to the immunization revenue amount to the Vaccine Purchase Fund established in section 24N of
chapter 111; (E) $33,700,000 to the Behavioral Health Access and Crisis Intervention Trust Fund
established in section 2WWWWW of chapter 29; and (F) an amount equal to the center for
health information and analysis revenue amount to the Center for Health Information and
Analysis Fund established in section 7A of chapter 12C. The office shall expend amounts in the
fund, except for amounts transferred to the Non-Acute Care Hospital Reimbursement Trust
Fund, the Managed Care Organization Services Reinvestment Fund, the Massachusetts Child
Psychiatry Access Project Fund, the Vaccine Purchase Fund, the Center for Health Information and Analysis Fund, the Payment Reform Trust fund and the Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents, consistent with the requirements of this section, section 69 and the regulations adopted by the office. The amount collected pursuant to clause (vii) of the definition of total managed care organization services assessment amount in section 64 shall be dedicated to reducing the shortfall, as described in subsection (b) of section 69, for year prior to the assessment year. The office shall also annually expend money from the fund for the expenses of the executive office, including the health safety net office under subsection (a), for the administration of the health safety net and related assessments. The office shall also expend not more than $6,000,000 annually from the fund for demonstration projects that use case management and other methods to reduce the liability of the fund to acute hospitals. Any annual balance remaining in the fund after these payments have been made shall be retained in the fund and shall not revert to the General Fund. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The director shall from time-to-time requisition from the fund amounts that the director considers necessary to meet the current obligations of the office for the purposes of the fund and estimated obligations for a reasonable future period.

SECTION 61. Said chapter 118E is hereby further amended by striking out section 67, as amended by section 62 of chapter 126 of the acts of 2022, and inserting in place thereof the following section:-

Section 67. (a) Subject to all required federal approvals, including any required waivers under 42 CFR 433.68, a hospital’s annual liability to the fund shall be calculated in accordance with this section. The annual aggregate liability of all hospitals to the fund shall equal the total hospital assessment amount.

(b) [reserved].

(c) The office shall promulgate regulations to establish an appropriate mechanism for enforcing each hospital’s liability to the fund if a hospital does not make a scheduled payment to the fund.

(d) For the purposes of the assessment described in this section, all hospitals in the commonwealth shall be divided into the following 6 groups:

(i) group 1 safety net hospitals, defined for the purposes of this section as any hospital identified as a group 1 safety net hospital in the MassHealth demonstration waiver approved September 28, 2022, effective October 1, 2022 through December 31, 2027, under subsection (a) of section 1115 of Title XI of the federal Social Security Act;

(ii) group 2 safety net hospitals, defined for the purposes of this section as any hospital identified as a group 2 safety net hospital in the MassHealth demonstration waiver approved September 28, 2022, effective October 1, 2022 through December 31, 2027, under subsection (a) of section 1115 of Title XI of the federal Social Security Act;
(iii) academic, teaching and specialty hospitals, defined for the purposes of this section as any academic medical center, teaching hospital or specialty hospital, as determined by the center for health information and analysis as of September 30, 2019, but excluding any safety net hospital;

(iv) private acute hospitals, defined for the purposes of this section as any private hospital licensed under section 51 of chapter 111 and that contains a majority of medical-surgical, pediatric, obstetric and maternity beds, as defined by the department of public health, and operating as of September 30, 2019, but excluding any safety net hospital or academic, teaching and specialty hospital;

(v) non-state public hospitals, defined for the purposes of this section as any non-state-owned public hospital in the commonwealth, as determined by the secretary of health and human services; and

(vi) non-acute hospitals, defined for the purposes of this section as any nonpublic hospital licensed by the department of public health under section 51 of chapter 111 but not defined as an acute care hospital under section 25B of chapter 111 or any nonpublic hospital licensed as an inpatient facility by the department of mental health under section 19 of chapter 19 and regulations promulgated thereunder but not categorized as a class VII licensee under the regulations.

(e) Each of the 6 groups described in subsection (d) shall be subject to the following assessment rates: (i) group 1 safety net hospitals shall be subject to a rate of 16.05430 per cent for inpatient services and 4.90000 per cent for outpatient services; (ii) group 2 safety net hospitals shall be subject to a rate of 16.05430 per cent for inpatient services and 9.30000 per cent for outpatient services; (iii) academic, teaching and specialty hospitals shall be subject to a rate of 4.66730 per cent for inpatient services and 0.74400 per cent for outpatient services; (iv) private acute hospitals shall be subject to a rate of 8.58690 per cent for inpatient services and 0.89340 per cent for outpatient services; (v) non-state public hospitals shall be subject to a rate of 1.61490 per cent for inpatient services and 0.55320 per cent for outpatient services; and (vi) non-acute hospitals shall be subject to a rate of 3.30000 per cent for inpatient services and 3.30000 per cent for outpatient services; provided, however, that the office shall increase each such rate by the amount necessary to generate 50 per cent of the estimated cost, as determined by the secretary of administration and finance, of administering the health safety net and related assessments in accordance with sections 65 to 69, inclusive.

(f) The assessment rates described in subsection (e) shall be applied to each hospital’s fiscal year 2019 assessed charges for inpatient and outpatient services, as determined by the secretary of health and human services; provided, however, that the term “assessed charges” shall have the meaning ascribed to it in section 64. The total of the resulting products shall equal a hospital’s annual assessment liability.

(g) Subject to receipt of all required federal approvals, the executive office shall implement the assessment structure described in this section and shall promulgate regulations, in
consultation with the Massachusetts Health and Hospital Association, Inc., necessary to support implementation of the assessment structure. In promulgating such regulations, and in consultation with the Massachusetts Health and Hospital Association, Inc., the executive office shall, at a minimum: (i) specify an appropriate mechanism for determination and payment of an acute hospital’s liability to the fund; (ii) identify the hospitals that belong to each group identified in subsection (d); (iii) specify an appropriate mechanism for the determination of a hospital’s liability in cases of merger or transfer of ownership; and (iv) specify an appropriate mechanism by which any amounts paid by a hospital in excess of a hospital’s total annual assessment liability may be refunded or otherwise credited to the hospital.

SECTION 62. Said chapter 118E is hereby further amended by striking out section 68 and inserting in place thereof the following section:-

Section 68. (a) Subject to all required federal approvals, including any required waivers under 42 CFR 433.68, a managed care organization’s annual liability to the fund shall be calculated in accordance with this section. The annual aggregate liability of all managed care organizations to the fund shall equal the total managed care organization services assessment amount.

(b) The assessment shall be paid to the Health Safety Net Trust Fund, established in section 66, by managed care organizations rendering managed care organization services subject to assessment on a monthly basis and shall be assessed on all managed care organization services subject to assessment on a per member per month basis.

(c) All managed care organization services subject to assessment shall be divided into 1 of the following assessment groups; provided, however, that the secretary of health and human services may, by regulation, establish further sub-groups within each assessment group:

(i) managed care organization services subject to assessment provided by a managed care organization that is not a Medicaid managed care organization;

(ii) managed care organization services subject to assessment provided by a Medicaid managed care organization that has an average total Medicaid member per month enrollment below a threshold established by the secretary of health and human services in its regulations; and

(iii) managed care organization services subject to assessment provided by a Medicaid managed care organization that has an average total Medicaid member per month enrollment at or above a threshold established by the secretary of health and human services in its regulations.

(d) The assessment rates for each assessment group shall be multiplied by each managed care organization’s managed care organization services subject to assessment, as determined by the secretary of health and human services. The total of the resulting products shall equal a managed care organization’s annual assessment liability.
(e) Subject to receipt of all required federal approvals, the secretary of health and human services shall implement the assessment structure described in this section and shall promulgate regulations necessary to support implementation of said assessment structure. In promulgating such regulations, the secretary of health and human services shall, at a minimum: (i) establish assessment groups, in accordance with subsection (c), into which all managed care organization services subject to assessment are divided; (ii) set assessment rates for each such assessment group, sufficient in the aggregate to generate in each fiscal year the total managed care organization services assessment amount; (iii) establish any necessary reporting requirements for managed care organizations; (iv) establish an appropriate mechanism for enforcing each managed care organization’s liability to the Health Safety Net Trust Fund, established in section 66, if a managed care organization rendering managed care organization services subject to assessment does not make a scheduled payment to the Health Safety Net Trust Fund; (v) specify an appropriate mechanism for determination and payment of a managed care organization’s liability to the Health Safety Net Trust Fund; (vi) identify the managed care organization services subject to assessment under each group established pursuant to subsection (c); (vii) specify an appropriate mechanism for the determination of a managed care organization’s liability in cases of merger or transfer of ownership; and (viii) specify an appropriate mechanism by which any amounts paid by a managed care organization in excess of its total annual assessment liability may be refunded or otherwise credited to the managed care organization.

SECTION 63. Section 69A of chapter 118E of the General Laws is hereby repealed.

SECTION 64. Said chapter 118E is hereby further amended by adding the following sections:-

Section 83. (a) For the purposes of this section and section 84, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Health safety net”, the payment program established and administered in accordance with sections 8A and 64 through 69, inclusive.

“Health safety net patient”, an individual served by a health safety net provider whose services are paid for through the health safety net.

“Over the counter oral contraceptive”, a nonprescription oral contraceptive approved or otherwise authorized by the federal Food and Drug Administration.

(b) Notwithstanding any general or special law to the contrary, a physician who is registered to prescribe or dispense a controlled substance in the course of professional practice pursuant to section 7 of chapter 94C and is designated by the assistant secretary for the division may issue a standing order that may be used for a licensed pharmacist to dispense an over the counter oral contraceptive to a MassHealth member or a health safety net patient.

(c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may dispense an over the counter oral contraceptive in accordance with the standing order issued pursuant to subsection (b) to a MassHealth member or a health safety net patient. Except for an
act of gross negligence or willful misconduct, a licensed pharmacist who, acting in good faith, dispenses an over the counter oral contraceptive consistent with the standing order shall not be subject to any criminal or civil liability or any professional disciplinary action by the board of registration in pharmacy related to the use of an over the counter oral contraceptive.

(d) A licensed pharmacist who dispenses an over the counter oral contraceptive pursuant to this section to a MassHealth member or a health safety net patient shall submit a claim to MassHealth or the health safety net, as applicable.

(e) Except for an act of gross negligence or willful misconduct, the assistant secretary for the division or a physician who issues the standing order pursuant to subsection (b) and any practitioner who, acting in good faith, directly or through the standing order, prescribes or dispenses an over the counter oral contraceptive to a MassHealth member or health safety net patient shall not be subject to any criminal or civil liability or any professional disciplinary action.

(f) The division may adopt regulations or issue written guidance to implement this section.

Section 84. (a) For the purposes of this section, the words “prenatal vitamin” shall, unless the context clearly requires otherwise, mean an oral multivitamin for supporting health during pregnancy.

(b) Notwithstanding any general or special law to the contrary, a physician who is registered to prescribe or dispense a controlled substance in the course of professional practice pursuant to section 7 of chapter 94C and is designated by the assistant secretary for the division may issue a standing order that may be used for a licensed pharmacist to dispense a prenatal vitamin to a MassHealth member or health safety net patient.

(c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may dispense a prenatal vitamin in accordance with the standing order issued pursuant to subsection (b) to a MassHealth member or health safety net patient. Except for an act of gross negligence or willful misconduct, a licensed pharmacist who, acting in good faith, dispenses a prenatal vitamin consistent with the standing order shall not be subject to any criminal or civil liability or any professional disciplinary action by the board of registration in pharmacy related to the use of a prenatal vitamin.

(d) A licensed pharmacist who dispenses a prenatal vitamin pursuant to this section to a MassHealth member or health safety net patient shall submit a claim to MassHealth or the health safety net, as applicable.

(e) Except for an act of gross negligence or willful misconduct, the assistant secretary for the division or a physician who issues the standing order pursuant to subsection (b) and any practitioner who, acting in good faith, directly or through the standing order, prescribes or dispenses a prenatal vitamin to a MassHealth member or health safety net patient shall not be subject to any criminal or civil liability or any professional disciplinary action.
(f) The division may adopt regulations or issue written guidance to implement this section.

SECTION 65. Section 1 of chapter 125 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 32 and 40 and 41, the words “Massachusetts Correctional Institution, Concord;”.

SECTION 66. Section 1 of chapter 175M of the General Laws, as so appearing, is hereby amended by inserting after the words “chapter 19A”, as inserted by section 35 of chapter 77 of the acts of 2023, the following words:-, whose wages from working as a consumer directed care worker meet the financial eligibility requirements of said subsection (a) of said section 24 of said chapter 151A.

SECTION 67. Subsection (b) of section 7 of said chapter 175M, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The costs of administering the department under this chapter shall be paid from the trust fund and in each fiscal year shall not exceed 5 per cent of the amount remaining in the trust fund at the end of the previous fiscal year; provided, that regardless of the trust fund’s balance at the end of a fiscal year, in no fiscal year shall the amount available to the director for administering the department decrease by more than 5 per cent from the previous year.

SECTION 68. Section 3 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the figure “$8,000” and inserting in place thereof the following figure:- $13,000.

SECTION 69. Said section 3 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 22, the figure “$800” and inserting in place thereof the following figure:- $4,000.

SECTION 70. Said section 3 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 105, the figure “$500” inserting in place thereof the following figure:- $3,000.

SECTION 71. Chapter 262 of the General Laws is hereby amended by striking out section 24 and inserting in place thereof the following section:-

Section 24. (a) The maximum fee to be charged by a person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be $80.

(b) The trial court shall be responsible for paying fees charged to take bail outside of regular working hours pursuant to this section and any fee charged pursuant to this section for a bail taken outside of regular working hours shall be charged only to the trial court. Fee splitting arrangements shall be prohibited.
(c) A person authorized to take bail may administer through wire or electronic means any
oath or affirmation required in the course of taking bail or releasing on personal recognizance.
No person authorized to take bail shall delegate: (i) the setting or taking of bail; or (ii) the setting
or taking of release on personal recognizance to any other person.

(d) A person authorized to take bail shall receive the fee under subsection (a) after
determining the terms of release and the prisoner ultimately recognizes out-of-court.

SECTION 72. Sections 25, 66 and 187 of chapter 126 of the acts of 2022 are hereby
repealed.

SECTION 73. Sections 157 to 159, inclusive, of said chapter 126 are hereby repealed.

SECTION 74. Section 186 of said chapter 126 is hereby amended by striking out the
words “, 63 and 159” and inserting in place thereof the following words:- and 63.

SECTION 75. Notwithstanding section 6 of chapter 6D of the General Laws, section 7
of chapter 12C of the General Laws, section 24N of chapter 111 of the General Laws, section
69A of chapter 118E of the General Laws or any other general or special law to the contrary, the
surcharges to be collected pursuant to said section 6 of said chapter 6D, said section 7 of said
chapter 12C, said section 24N of said chapter 111 and said section 69A of said chapter 118E
shall be collected for the period beginning with the start of the applicable assessment year for
each such surcharge through December 31, 2024 and shall not be collected for the period
beginning January 1, 2025 through the end date of the applicable assessment year; provided,
however, that any payment obligation of any surcharge payor pursuant to said section 6 of said
chapter 6D, said section 7 of said chapter 12C, said section 24N of said chapter 111 or said
section 69A of said chapter 118E existing as of December 31, 2024, shall survive until such
transfer or payment obligation is satisfied. The secretary of health and human services may
promulgate regulations to implement this section.

SECTION 76. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
General Laws or any other general or special law to the contrary, the commissioner of capital
asset management and maintenance may sell, lease for a term not to exceed 99 years, transfer or
otherwise dispose of real property, known as the Massachusetts Correctional Institution,
Concord, which is used for correctional purposes, in the town of Concord. The commissioner of
capital asset management and maintenance may determine the final boundaries of the parcels to
be conveyed after the completion of a survey.

(b) The commissioner of capital asset management and maintenance shall dispose of the
Massachusetts Correctional Institution, Concord real property: (i) by utilizing appropriate
competitive processes and procedures; or (ii) through a sales-partnership agreement in
accordance with subsection (c) with the town of Concord. Such competitive processes may
include, without limitation, absolute auction, sealed bids and requests for price and development
proposals. The real property shall be conveyed without warranties or representations by the
commonwealth and shall be on such terms and conditions as the commissioner determines.
(c) A sales-partnership agreement pursuant to subsection (b) may: (i) require the town of Concord to conduct a competitive process and select a developer prior to disposition of the real property by the commonwealth; provided, that the commissioner of capital asset management and maintenance may transfer the real property directly to the developer selected by the town of Concord; or (ii) authorize the town of Concord to sell or lease the real property directly to a developer pursuant to chapter 30B of the General Laws. The consideration for the disposition of real property pursuant to a sales-partnership agreement shall be $1. If the town of Concord sells or leases any portion of the real property or the commonwealth disposes of real property directly to the developer selected by the town of Concord pursuant to a sales-partnership agreement, the net proceeds from such sale or lease as agreed to by the commissioner of capital asset management and maintenance and the town of Concord shall be allocated between the town of Concord and the commonwealth in equal shares; provided, however, that the commissioner may agree to reduce the share of the commonwealth’s proceeds to not less than 40 per cent of the net proceeds in order to provide certain incentives to expedite the sale, lease or permitting of redevelopment by the town of Concord.

(d) Notwithstanding subsection (b) and subject to subsections (f) through (j), inclusive, the commissioner of capital asset management and maintenance may transfer the waste water treatment facility located at Massachusetts Correctional Institution, Concord and any other real property necessary thereto to the town of Concord for a direct public use, as defined in section 33 of chapter 7C of the General Laws; provided, that the town of Concord shall have not less than 90 days to accept the commissioner’s offer to acquire the property. Upon a refusal of the town of Concord of the commissioner’s offer, including the expiration of said offer, the commissioner may dispose of the waste water treatment facility and any other real property necessary thereto pursuant to said subsection (b).

(e) Not less than 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease the real property are due, the commissioner of capital asset management and maintenance shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof; provided, however, that the commissioner shall not be required to place said notice if the property is conveyed to the town of Concord or a developer selected by the town of Concord in accordance with a sales-partnership agreement. Not less than 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease the real property are due, the commissioner of capital asset management and maintenance shall notify, in writing regarding the availability of such property, the chair of the select board of the town of Concord and the members of the general court representing the town.

(f) The commissioner of capital asset management and maintenance shall establish the value of the real property through procedures customarily accepted by the appraising profession as valid for determining property value. The value shall be calculated both for: (i) the highest and best use of the property as may be encumbered; and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. The commissioner shall submit the appraisal required by this subsection to the inspector general for review and comment. The inspector
general shall review and approve the appraisal, and the review shall include an examination of
the methodology utilized for the appraisal. The inspector general shall prepare a report of the
review and file the report with the commissioner of capital asset management and maintenance
for submission by the commissioner to the house and senate committees on ways and means and
the joint committee on state administration and regulatory oversight. The commissioner shall
submit copies of the appraisal and the inspector general’s review and approval and comments, if
any, to the house and senate committees on ways and means and the joint committee on state
administration and regulatory oversight not less than 15 days prior to the execution of documents
effecting the transfers authorized by this section.

(g) The commissioner of capital asset management and maintenance shall place a notice
in the central register identifying the municipality, public agency, individual or firm selected as
the party to such real property transaction, along with the amount of such transaction. If the
commissioner accepts an amount below the value calculated pursuant to subsection (f), the
commissioner shall include the justification therefor, specifying the difference between the
calculated value and the price received.

(h) The commissioner of capital asset management and maintenance may retain or grant
rights of way or easements for access, egress, utilities and drainage across the property described
in subsection (a) and across other property owned by the commonwealth that is contiguous to the
property described in subsection (a) and may accept such rights of way or easements for access,
egress, utilities and drainage as the commissioner considers necessary and appropriate to carry
out this section.

(i) No agreement for the sale, lease, transfer or other disposition of real property pursuant
to this section and no deed, executed by or on behalf of the commonwealth, shall be valid unless
such agreement or deed contains a certification, signed by the commissioner of capital asset
management and maintenance that certifies compliance with this section and which includes the
following statement:

“The undersigned certifies under penalties of perjury that I have fully complied with the
requirements of law related to any real property transfer of the parcel of land known as
Massachusetts Correctional Institution, Concord.”

(j) No agreement for the sale, lease, transfer or other disposition of real property pursuant
to this section shall be valid unless the purchaser or lessee has executed and filed with the
commissioner of capital asset management and maintenance the statement required by section 38
of chapter 7C of the General Laws.

(k) The grantee or lessee of any real property disposed of pursuant to this section shall be
responsible for all costs, including, but not limited to, appraisals, surveys, plans, recordings and
any other expenses relating to the transfer as shall be deemed necessary by the commissioner of
capital asset management and maintenance.

SECTION 77. Notwithstanding section 59 of chapter 23K of the General Laws or any
other general or special law to the contrary, 100 per cent of the revenue received from a category
1 licensee, as defined in section 2 of said chapter 23K, pursuant to subsection (a) of section 55 of said chapter 23K in fiscal year 2025 shall be transferred as follows:

(i) 30.1 per cent to the Gaming Local Aid Fund established in section 63 of said chapter 23K;

(ii) 20.6 per cent to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws;

(iii) 19.4 per cent to the Education Fund established in section 64 of said chapter 23K;

(iv) 13.2 per cent to the Gaming Economic Development Fund established in section 2DDDD of said chapter 29;

(v) 6.2 per cent to the Local Capital Projects Fund established in section 2EEEE of said chapter 29;

(vi) 5 per cent to the Public Health Trust Fund established in section 58 of said chapter 23K;

(vii) 2.5 per cent to the Race Horse Development Fund established in section 60 of said chapter 23K;

(viii) 2 per cent of revenues to the Massachusetts Cultural and Performing Arts Mitigation Trust Fund established in section 2HHHHH of said chapter 29; and

(ix) 1 per cent to the Massachusetts Tourism Fund to fund tourist promotion agencies under subsection (b) of section 13T of chapter 23A of the General Laws.

SECTION 78. Notwithstanding section 186 of chapter 126 of the acts of 2022, sections 23, 24, 57, 61 and 63 of said chapter 126 shall take effect on October 1, 2027; provided, however, that any transfer or payment obligation existing pursuant to the second paragraph of section 2AAAAA of chapter 29 of the General Laws, subsection (c) of section 2TTTTT of said chapter 29 or subsection (c) of section 2UUUUU of said chapter 29, as of September 30, 2027, shall survive the effective date of this section until such transfer or payment obligation is satisfied.

SECTION 79. (a) There shall be a special commission to study cost-of-living adjustments for members of the state employees’ retirement system and state teachers’ retirement system. The study shall include, but shall not be limited to: (i) a review of the feasibility of possible increases in the maximum base amount, on which timely periodic cost-of living adjustments are calculated; (ii) an estimate of the fiscal impact of an increase pursuant to clause (i); and (iii) sustainable methods of funding timely periodic cost-of-living adjustments for members of said systems. The commission may request, and the public employee retirement administration commission and the Massachusetts teachers’ retirement board shall provide, actuarial reports and studies relevant to carry out the work of this section.
(b) The commission shall consist of the following members or their designees: the chairs of the joint committee on public service; the secretary of administration and finance; the executive director of the public employee retirement administration commission; a representative of the pension reserves investment management board; a representative of the Massachusetts Taxpayers Foundation, Inc.; and 3 members to be appointed by the governor: 1 of whom shall be a representative appointed by the Retired State, County and Municipal Employees Association of Massachusetts, 1 of whom shall be a representative appointed by the state board of retirement and 1 of whom shall be a representative appointed by the Massachusetts teachers’ retirement board. The board shall elect from its members a chair.

(c) Not later than February 1, 2025, the commission shall file a report with the clerks of the house of representatives and the senate providing the results of its study and its recommendations, if any, together with drafts of proposed legislation necessary to carry its recommendations into effect.

SECTION 80. (a) There is hereby established a working group to develop and identify the future needs of the public higher education system to provide affordable, equitable and competitive higher education in the commonwealth.

(b) The working group shall include, but shall not be limited to: the secretary of administration and finance or a designee; the secretary of the executive office of education or a designee; the Massachusetts climate chief or a designee; the commissioner of higher education or a designee; the commissioner of the division of capital asset management and maintenance or a designee; the executive director of the Massachusetts clean energy center or a designee; the chairs of the joint committee on higher education; the chairs of the joint committee on bonding; a representative of the Massachusetts association of community colleges; a representative of the University of Massachusetts Building Authority; and a representative of the Massachusetts State College Building Authority.

(c) The working group shall study and report on: (i) the feasibility and impacts of establishing a permanent financing structure using income surtax revenues for the issuance of debt for the benefit of public higher education capital needs; (ii) support for the University of Massachusetts Building Authority and the Massachusetts State College Building Authority to identify and finance investments in public higher education infrastructure; (iii) the capital funding necessary for public higher education campuses, broken down by campus; (iv) potential federal sources of reimbursement or grant funding for public higher education capital projects; (v) a prioritization process for public higher education capital needs; (vi) the total bonding capacity available for a public higher education capital projects bond legislation, including recommendations for the use of any general or special obligation bonds; (vii) a recommendation for a funding amount for future bond legislation for public higher education capital needs; (viii) potential processes for application, approval, design and delivery of capital projects for public higher education campuses; and (ix) possible investments for future bond legislation for public higher education capital needs, including, but not limited to, decarbonization, deferred maintenance and facilities improvement for the public higher education system of the commonwealth.
(d) Not later than March 1, 2025, the working group shall submit its report, including any proposed legislation necessary to carry out its recommendations, to the governor, the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on higher education and the joint committee on bonding.

SECTION 81. (a) The department of early education and care, in consultation with the executive office of labor and workforce development, the commonwealth corporation and the early education and care workforce council established in section 79 of chapter 154 of the acts of 2018, shall conduct a study and submit a report making recommendations to: (i) enhance the early education and care workforce pipeline; and (ii) develop strategies and prioritization of programming and funding opportunities to ensure that the early educator workforce meets the needs of the commonwealth.

(b) The report shall include, but shall not be limited to, recommendations on: (i) recruiting new early education and care providers; (ii) developing apprenticeship programs and non-traditional recruitment opportunities as part of a curriculum-based service-learning program; (iii) collaborating with early education and care providers and vocational schools with curricula that include early education and care; (iv) retaining early educators; (v) incentivizing the development of family child care providers; and (vi) exploring the potential for the growth of family child care providers into center-based programs.

(c) The department of early education and care shall file the report, along with any recommendations, with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on education and the joint committee on labor and workforce development not later than June 30, 2025. The report shall be made publicly available on the websites of the department of early education and care and the executive office of labor and workforce development.

SECTION 82. Not later than January 15, 2025, the department of early education and care shall submit to the house and senate committees on ways and means and the joint committee on education a preliminary report on the implementation and effects of the updated operational grant funding formula established pursuant to section 20 of chapter 15D of the General Laws, inserted by section 22, and consistent with the reporting requirements of subsection (d) of said section 20 of said chapter 15D.

SECTION 83. Not later than October 1, 2028, the department of early education and care shall submit recommendations for a revised operational grant funding formula for the operational grant program established in section 20 of chapter 15D of the General Laws, inserted by section 22, to the house and senate committees on ways and means and the joint committee on education; provided, that said recommendations shall include a formula allowing for sustainability and the continued operation of the program in fiscal year 2030 and beyond.

SECTION 84. (a) Notwithstanding any general or special law to the contrary, the commissioner of revenue may establish a tax amnesty program during which all penalties that may be assessed by the commissioner shall be waived without the need for any showing by the
taxpayer of reasonable cause or the absence of willful neglect for the failure of the taxpayer to:
(i) timely file any proper return for any tax type and for any tax period; (ii) timely pay any tax
liability; or (iii) pay the proper amount of any required estimated payment toward a tax liability.
The waiver of a taxpayer’s liability under this section shall apply if the taxpayer, prior to the
expiration of the amnesty period, voluntarily files proper returns and pays the full amount of tax
shown on the taxpayer’s returns or upon the commissioner’s assessments with all interest due.
The waiver shall not apply to any penalties that may be due pursuant to sections 35A, 32D or
35F of chapter 62C of the General Laws with regard to returns filed pursuant to the tax amnesty
program. The waiver of penalties shall not apply to any period for which the taxpayer does not
file proper returns. The tax amnesty program shall apply to tax returns due on or before
December 31, 2024. In the case of taxpayers otherwise coming into compliance with tax
obligations pursuant to the amnesty, unless the commissioner determines that the taxpayer has
acted with fraudulent intent, the commissioner may apply limited look-back periods for unfiled
returns, not to exceed 4 years. The scope of the tax amnesty program, including the particular tax
types, periods covered and the applicability of the look-back periods, shall be determined by the
commissioner.

(b) The tax amnesty program shall be established within fiscal year 2025 for a period of
60 days to be determined by the commissioner and shall expire not later than June 30, 2025. If a
taxpayer fails to pay the full liability by June 30, 2025, the commissioner shall retain any
payments made and shall apply the payments against the outstanding liability and the tax
amnesty shall not apply.

(c)(1) The commissioner may offer tax amnesty to taxpayers who have failed to file
required returns due for any tax period on or before December 31, 2024; provided, however, that
the taxpayer shall file the required return and shall pay the tax shown as due on the return during
the amnesty period together with accrued interest.

(2) The commissioner shall not authorize the waiver of any interest or any amount treated
as interest.

(3) The commissioner’s authority to waive penalties during the amnesty period shall not
apply to any taxpayer who is or has been the subject of a tax-related criminal investigation or
prosecution or to any taxpayer who delivers or discloses or has delivered or disclosed any false
or fraudulent application, document, return or other statement.

(4) Any taxpayer who delivers or discloses a false or fraudulent application, document,
return or other statement to the department of revenue in connection with a tax amnesty
application pursuant to this section shall not be eligible for amnesty and shall be subject to the
greater of: (i) the applicable penalties pursuant to chapter 62C of the General Laws; or (ii) a
penalty not to exceed $10,000, which shall be calculated and assessed according to rules
determined by the commissioner and may be subject to de minimis or other exceptions that the
commissioner may consider appropriate. This penalty shall be subject to said chapter 62C and
shall be added to and become part of the tax due.
(d) Tax amnesty shall not apply to penalties that the commissioner would not have the sole authority to waive, including, but not limited to, fuel taxes administered under the International Fuel Tax Agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

(e) The commissioner shall maintain records of the penalties waived pursuant to the tax amnesty program, including, but not limited to: (i) the number of taxpayers provided with tax amnesty; (ii) the types of tax liability for which tax amnesty was provided and, for each type of liability, the amount of tax liability collected and the amount of penalties foregone by virtue of the tax amnesty program; and (iii) the total outstanding tax liability for amnesty-eligible taxpayers at the conclusion of the tax amnesty program after the collection of all funds pursuant to this section. The commissioner shall file a report detailing the tax amnesty program with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on revenue and the house and senate minority leaders not later than September 1, 2025; provided, however, that the report shall not contain information sufficient to identify an individual taxpayer or the tax amnesty provided to an individual taxpayer pursuant to this section.

(f) The commissioner shall establish administrative procedures and methods to prevent a taxpayer who utilizes the tax amnesty program from utilizing any future tax amnesty programs for the next consecutive 10 years, beginning in calendar year 2024.

SECTION 85. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall seek any and all required federal approvals the secretary deems necessary to implement sections 31, 56, 58, 61, 73, 74 and 78, including any required waivers under 42 CFR § 433.68 necessary to implement the updates to the hospital assessment described in section 67 of chapter 118E of the General Laws, as amended by section 61. If, after having received any required federal approval necessary to implement sections 31, 56, 58, 61, 73, 74 and 78, such approval is withdrawn or is otherwise not in effect, or the secretary determines that a change in federal law, regulations or the federal government’s administration of federal law or regulation, requires a modification to the hospital assessment described in said section 67 of said chapter 118E, as amended by section 61, or to the implementation of the Health Safety Net Trust Fund established under section 66 of said chapter 118E, as amended by section 58, the Non-Acute Care Hospital Reimbursement Trust Fund established under section 2WWWW of chapter 29 of the General Laws, the Safety Net Provider Trust Fund established under section 2AAAA of said chapter 29, the Hospital Investment and Performance Trust Fund established under section 2TTTTT of said chapter 29, or the Population Health Investment Trust Fund established under section 2UUUUU of said chapter 29, the secretary shall notify the joint committee on health care financing and the house and senate committees on ways and means, and shall consult with the Massachusetts Health and Hospital Association, Inc. to develop alternatives. Not later than February 15, 2026, and annually thereafter, the secretary shall report to the house and senate committees on ways and means and the joint committee on health care financing the: (i) amount of the assessment made and collected from each hospital pursuant to
section 67 of said chapter 118E; and (ii) amounts transferred to, deposited in, expended from and
transferred from the Hospital Investment and Performance Trust Fund established under section 2TTTTT
of said chapter 29 and the Population Health Investment Trust Fund established under
section 2UUUUU of said chapter 29.

SECTION 86. Notwithstanding any general or special law to the contrary, in the event
that the commonwealth does not receive all federal approvals pursuant to section 85 that the
secretary of health and human services determines necessary to implement sections 31, 56, 58,
61, 73, 74 and 78, including any required waivers under 42 CFR § 433.68, the hospital
assessment described in sections 64 through 69, inclusive, of chapter 118E of the General Laws
shall remain in effect as if sections 31, 56, 58, 61, 73, 74 and 78 had not been enacted until the
first full calendar month following the calendar month in which the secretary determines all such
federal approvals have been received. The secretary, in consultation with representatives of the
Massachusetts Health and Hospital Association, Inc. shall continue to seek all federal approvals
necessary to implement sections 31, 56, 58, 61, 73, 74 and 78, until such federal approvals are
received or the United States Department of Health and Human Services or the federal Centers
for Medicare and Medicaid Services render a final determination that an assessment established
pursuant to said sections 65 through 69, inclusive, of said chapter 118E cannot be implemented.

SECTION 87. Notwithstanding any general or special law to the contrary, the secretary
of health and human services shall seek any and all required federal approvals the secretary
deems necessary to implement sections 4, 5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 60, 62, 63 and
75 and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by
section 37, including any required waivers under 42 CFR § 433.68 necessary to implement the
managed care organization services assessment described in section 68 of chapter 118E of the
General Laws, as amended by section 62.

If, after having received any required federal approval necessary to implement sections 4,
5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 60, 62, 63 and 75, and said sections 2EEEEEE and
2FFFFFF of said chapter 29, such approval is withdrawn or is otherwise not in effect, or the
secretary determines that a change in federal law, regulations, or the federal government’s
administration of federal law or regulation, requires a modification to the managed care
organization services assessment described in said section 68 of said chapter 118E, as amended
by section 62, or to the implementation of the Health Safety Net Trust Fund established under
section 66 of said chapter 118E, as amended by sections 59 and 60, the Massachusetts Child
Psychiatry Access Project Fund established in said section 2EEEEEE of said chapter 29 or the
Managed Care Organization Services Reinvestment Fund established in said section 2FFFFFF of
said chapter 29, under section 37, the secretary shall notify the joint committee on health care
financing, and the house and senate committees on ways and means to develop alternatives.

Not later than February 15, 2026, and annually thereafter, the secretary shall report to the
house and senate committees on ways and means and the joint committee on health care
financing: (i) the amount of the assessment made and collected from each managed care
organization’s managed care organization services subject to assessment pursuant to said section
68 of said chapter 118E; and (ii) the amounts transferred to, deposited in, expended from, and
transferred from the Massachusetts Child Psychiatry Access Project Fund established in said

294
SECTION 88. Notwithstanding any general or special law to the contrary, in the event that the commonwealth does not receive all federal approvals pursuant to section 87 that the secretary of health and human services determines necessary to implement sections 4, 5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 60, 62, 63 and 75, and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by section 37, including any required waivers under 42 CFR § 433.68, the surcharge described in section 68 of chapter 118E of the General Laws shall remain in effect as if sections 4, 5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 60, 62, 63 and 75 and said sections 2EEEEEE and 2FFFFFF of said chapter 29 had not been enacted until the first full calendar month following the calendar month in which the secretary determines all such federal approvals have been received. The secretary shall continue to seek all federal approvals necessary to implement sections 4, 5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 60, 62, 63 and 75, and said sections 2EEEEEE and 2FFFFFF of said chapter 29, until such federal approvals are received or the United States Department of Health and Human Services or the federal Centers for Medicare and Medicaid Services render a final determination that an assessment established pursuant to said section 68 of said chapter 118E cannot be implemented.

SECTION 89. (a) Notwithstanding any general or special law to the contrary, the unexpended balances in line-items 0699-0015 and 0699-9100 of section 2 shall be deposited into the State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the General Laws before the certification of the fiscal year 2025 consolidated net surplus, pursuant to section 5C of chapter 29 of the General Laws. The amount deposited shall be an amount equal to 10 per cent of all payments received by the commonwealth in fiscal year 2025 under the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378; provided, however, that if in fiscal year 2025 the unexpended balances of said line-items 0699-0015 and 0699-9100 of said section 2 are less than 10 per cent of all payments received by the commonwealth in fiscal year 2025 under the master settlement agreement payments, an amount equal to the difference shall be transferred to the State Retiree Benefits Trust Fund from payments received by the commonwealth under the master settlement agreement.

(b) Notwithstanding any general or special law to the contrary, the payment percentage set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2025.

SECTION 90. Notwithstanding any general or special law to the contrary, the comptroller shall reduce any transfers attributable to capital gains tax collections required pursuant to section 5G of chapter 29 of the General Laws during fiscal year 2025 by an amount not to exceed $375,000,000 if the secretary of administration and finance determines in writing to the house and senate committees on ways and means that the funds are necessary to achieve balance for fiscal year 2025.

SECTION 91. Notwithstanding any general or special law to the contrary, following written determination by the secretary of administration and finance that funds are necessary to support the emergency housing assistance program, the comptroller may transfer not more than
$175,000,000 from the Transitional Escrow Fund established by section 16 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, to the reserve established in item 1599-0514 of section 2A of chapter 77 of the acts of 2023 for the purposes of item 7004-0101 of section 2 and said item 1599-0514 of said section 2A of said chapter 77; provided, that the secretary of administration and finance shall provide notice to the house and senate committees on ways and means not less than 14 days prior to said transfer.

SECTION 92. Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds for fiscal year 2025 to the Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller shall transfer $14,000,000 from the General Fund to the Disaster Relief and Resiliency Fund established in section 2GGGGGG of said chapter 29, inserted by section 37.

SECTION 93. Notwithstanding any general or special law to the contrary, for fiscal year 2025, $94,000,000 shall be considered operating assistance and distributed to regional transit authorities from item 1595-6370 of section 2E and item 1596-2406 of section 2F. For fiscal year 2025, $90,500,000 of the amount transferred in item 1595-6370 shall be distributed based on fiscal year 2024 distributions in accordance with the updated fiscal year 2024 bilateral memorandum of understanding between each regional transit authority and the Massachusetts Department of Transportation; provided, however, that each regional transit authority shall receive operating assistance from said item 1595-6370 of said section 2E of not less than the amount received in fiscal year 2024; and provided further, that $3,500,000 shall be distributed to each regional transit authority based on the following formula: 60 per cent based on total transit ridership as reported on the most recent certified national transit data base report, 30 per cent based on population of its member communities from the most recent census and 10 per cent based on service coverage area determined by the total square miles of its member communities. The department may require each regional transit authority to provide data on ridership, customer service and satisfaction, asset management and financial performance, including farebox recovery, and shall compile any such collected data into a report on the performance of regional transit authorities and detail each authority’s progress towards meeting the performance metrics established in each memorandum of understanding.

SECTION 94. Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth’s Pension Liability Fund established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth’s obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees’ retirement system and the state teachers’ retirement system, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32 and for the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to rules that shall be adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions of retired teachers, including any other obligation that the commonwealth has assumed on behalf of a
retirement system other than the state employees’ retirement system or state teachers’ retirement system, including the commonwealth’s share of the amounts to be transferred pursuant to section 22B of said chapter 32. The payments under this section shall be made only pursuant to the distribution of money from the Commonwealth’s Pension Liability Fund and any distribution, and the payments for which distributions are required, shall be detailed in a written report prepared quarterly by the secretary of administration and finance and submitted to the house and senate committees on ways and means and the joint committee on public service in advance of the distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. If the amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund established in subdivision (8) of said section 22 of said chapter 32 to reduce the unfunded pension liability of the commonwealth.

SECTION 95. Notwithstanding any general or special law to the contrary, nursing facility rates effective on October 1, 2024, pursuant to section 13D of chapter 118E of the General Laws, may be developed using the costs of calendar year 2019.

SECTION 96. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of health and human services, may transfer not more than a total of $25,000,000 from the prescription advantage program in line-item 9110-1455 of section 2 and the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws in fiscal year 2025 to support the Medicare Saving or Medicare Buy-In programs established in section 25A of said chapter 118E; provided, however, that the secretary of health and human services shall certify to the house and senate committees on ways and means, not less than 45 days in advance of the transfer, in writing, the amount to be transferred and an explanation of the amount of expected savings to those programs resulting from the transfer.

SECTION 97. Notwithstanding any general or special law to the contrary, payments from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws may be made either as safety net care payments under the commonwealth’s waiver pursuant to section 1115 of the federal Social Security Act, 42 U.S.C. 1315, or as an adjustment to service rate payments under Titles XIX and XXI of the federal Social Security Act or a combination of both. Other federally permissible funding mechanisms available for certain hospitals, as defined by regulations of the executive office of health and human services, may be used to reimburse up to $70,000,000 of uncompensated care pursuant to said section 66 and section 69 of said chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund.

SECTION 98. Notwithstanding any general or special law to the contrary, not later than October 1, 2024 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws the greater of $45,000,000 or 1/12 of the total expenditures to hospitals and community health centers required pursuant to this act, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1,
2024. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the Health Safety Net Trust Fund. Not later than June 30, 2025, the comptroller shall transfer from the Health Safety Net Trust Fund to the General Fund the amount of the transfer authorized by this section and any allocation of that amount as certified by the director of the health safety net office established in said section 65 of chapter 118E.

SECTION 99. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2025, the office of the inspector general may expend up to $1,000,000 from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for costs associated with maintaining a health safety net audit unit within the office. The unit shall continue to oversee and examine the practices in hospitals, including, but not limited to, the care of the uninsured and the resulting free charges. The unit shall also study and review the Medicaid program pursuant to said chapter 118E, including, but not limited to, a review of the program’s eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall submit a report to the chairs of the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2025.

SECTION 100. Notwithstanding any general or special law to the contrary, the comptroller, at the direction of the secretary of administration and finance, may transfer up to $15,000,000 from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws, to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws.

SECTION 101. Section 85 is hereby repealed.

SECTION 102. Section 87 is hereby repealed.

SECTION 103. Section 23 shall take effect on June 30, 2029.

SECTION 104. Sections 31, 56, 58, 61, 73, 74 and 78 shall take effect on October 1, 2024.

SECTION 105. Sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by section 37, and sections 4, 5, 14, 15, 16, 47, 52, 53, 54, 55, 57, 59, 62 and 63 shall take effect on January 1, 2025.

SECTION 106. Sections 39, 40 and 41 shall take effect for taxable years beginning on or after January 1, 2024.

SECTION 107. Section 42 shall take effect 60 days after the effective date of this act.

SECTION 108. Sections 50 and 51 shall take effect upon the earlier of: (i) the receipt of all necessary federal approvals, including state plan and 1115 demonstration amendments; or (ii) January 1, 2025.
SECTION 109. Sections 60 and 101 shall take effect on October 1, 2027.

SECTION 110. Section 72 shall take effect June 30, 2024.

SECTION 111. Section 102 shall take effect on January 1, 2030.

SECTION 112. Except as otherwise specified, this act shall take effect on July 1, 2024.