

2015 Mass. HB 3956

Enacted, January 25, 2016

Reporter

2016 Mass. ALS 8; 2016 Mass. Ch. 8; 2015 Mass. HB 3956

MASSACHUSETTS ADVANCE LEGISLATIVE SERVICE > MASSACHUSETTS 189TH GENERAL COURT - 2016 REGULAR SESSION > CHAPTER 8 > HOUSE BILL 3956

Synopsis

AN ACT RELATIVE TO CIVIL COMMITMENTS FOR ALCOHOL AND SUBSTANCE USE DISORDERS.

Text

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. *Section 35 of chapter 123 of the General Laws*, as appearing in the 2014 Official Edition, is hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following paragraph:-

For the purposes of this section the following terms shall, unless the context clearly requires otherwise, have the following meanings:

“Alcohol use disorder”, the chronic or habitual consumption of alcoholic beverages by a person to the extent that (1) such use substantially injures the person’s health or substantially interferes with the person’s social or economic functioning, or (2) the person has lost the power of self-control over the use of such beverages.

“Facility”, a public or private facility that provides care and treatment for a person with an alcohol or substance use disorder.

“Substance use disorder”, the chronic or habitual consumption or ingestion of controlled substances or intentional inhalation of toxic vapors by a person to the extent that: (i) such use substantially injures the person’s health or substantially interferes with the person’s social or economic functioning; or (ii) the person has lost the power of self-control over the use of such controlled substances or toxic vapors.

SECTION 2. Said section 35 of said chapter 123, as so appearing, is hereby further amended by striking out the words “is an alcoholic or substance abuser”, in lines 17 and 18, and inserting in place thereof the following words:- has an alcohol or substance use disorder.

SECTION 3. Said section 35 of said chapter 123, as so appearing, is hereby further amended by inserting after the word “a”, in line 36, the third time it appears, the following word:- qualified.

SECTION 4. Said section 35 of said chapter 123, as so appearing, is hereby further amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following 3 paragraphs:-

If, after a hearing which shall include expert testimony and may include other evidence, the court finds that such person is an individual with an alcohol or substance use disorder and there is a likelihood of serious harm as a result of the person’s alcohol or substance use disorder, the court may order such person to be committed for a period not to exceed 90 days to a facility designated by the department of public health, followed by the availability of case management services provided by the department of public health for up to 1 year; provided, that a review of the necessity of the commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent of the facility that release of that person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care for the

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treatment of an alcohol or substance use disorder in a facility licensed or approved by the department of public health or the department of mental health. Subsequent to the issuance of a commitment order, the superintendent of a facility may authorize the transfer of a patient to a different facility for continuing treatment; provided, that the superintendent shall provide notification of the transfer to the committing court.

If the department of public health informs the court that there are no suitable facilities available for treatment licensed or approved by the department of public health or the department of mental health, or if the court makes a specific finding that the only appropriate setting for treatment for the person is a secure facility, then the person may be committed to: (i) a secure facility for women approved by the department of public health or the department of mental health, if a female; or (ii) the Massachusetts correctional institution at Bridgewater, if a male; provided, however, that any person so committed shall be housed and treated separately from persons currently serving a criminal sentence. The person shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose. The department of public health shall maintain a roster of public and private facilities available, together with the number of beds currently available and the level of security at each facility, for the care and treatment of alcohol use disorder and substance use disorder and shall make the roster available to the trial court.

Nothing in this section shall preclude a facility, including the Massachusetts correctional institution at Bridgewater, from treating persons on a voluntary basis.

History

Approved by the Governor January 25, 2016

Effective date: April 24, 2016

Sponsor

Report of Conference Committee

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