

By Mr. Norton of Fall River, petition of Thomas C. Norton relative to restricting certain treatments on the mentally retarded, elderly criminal offenders and alcoholics and providing penalties therefor. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT RESTRICTING CERTAIN TREATMENTS ON THE MENTALLY RETARDED, ELDERLY, CRIMINAL OFFENDER, AND ALCOHOLIC, AND PROVIDING PENALTIES THEREFOR.

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

1 Chapter two hundred and seventy of the General Laws is hereby
2 amended by inserting after section 3 the following new section:—

3 Any person who finances, performs, assists in, or allows to be
4 administered by anyone who is under his control, electroconvul-
5 sive therapy, psychotropic drugging, the drug antabuse, or psycho-
6 surgery on persons mentally retarded, persons confined to any
7 institution penal or otherwise, persons being patients in any hospi-
8 tal, institution, nursing home, home for the elderly or disabled, or
9 other similar place, whether publicly or privately owned shall be
10 punished by imprisonment in the state prison for not more than ten
11 years or in jail or house of correction for not less than two years nor
12 more than five years or by a fine or not more than ten thousand
13 dollars or loss of license, or all. Each and every such treatment
14 illegally performed shall be a separate and actionable offense. As
15 used in this section, the following words shall have the following
16 meanings:—

17 Electroconvulsive (shock) therapy: The use of electricity to arti-
18 ficially produce convulsive seizures and unconsciousness in human
19 beings.

20 Psychotropic drugs: any and all derivatives of the following

21 classes of drugs: tranquilizers, sedatives (barbiturates and non-
22 barbiturates), antidepressants, antipsychotics (ataractics),
23 phenothiazine, psychostimulants.

24 Antabuse: (disulfiram) an antialcoholic drug which produces a
25 toxic reaction upon ingestion of alcohol.

26 Psychosurgery: the destruction of healthy brain tissue for the
27 purpose of altering behavior.

28 Mental Retardation: significantly subaverage general intellec-
29 tual functioning existing concurrently with deficits in adaptive
30 behavior, and manifested during the developmental period.

31 Elderly: human beings over the age of sixty years.