

# HOUSE . . . . . No. 2248

By Mr. Armstrong of Plymouth, petition of John A. Armstrong relative to commitment of persons addicted to drugs and authorizing the Department of Public Health to designate places or institutions as drug addict rehabilitation centers. Public Health.

## The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR COMMITMENT OF PERSONS ADDICTED TO DRUGS, AND AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO DESIGNATE PLACES OR INSTITUTIONS AS DRUG ADDICT REHABILITATION CENTERS.

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

1 SECTION 1. Chapter 94 of the General Laws is hereby amended  
2 by inserting after section 210A, as inserted by section 1 of chapter  
3 660 of the acts of 1957, the following new sections:—

4 *Section 210B.* Any physician or dentist who is cognizant that  
5 a person is addicted to narcotic drugs, shall immediately notify  
6 the department of public health, division of food and drugs, of  
7 the fact.

8 *Section 210C.* A person addicted to the use of narcotic drugs  
9 may be treated by a physician only upon the written permission  
10 of the commissioner when such treatment involves the use of  
11 narcotic drugs. When such permission is granted, the physician  
12 shall report monthly to the commissioner the amount of drugs  
13 used on each individual patient. The commissioner may at any  
14 time revoke the permission granted.

1 SECTION 2. Said chapter 94 is hereby further amended by  
2 inserting after section 217D the following new sections:—

3 *Section 217E.* The department of public health is hereby au-  
4 thorized to conduct rehabilitation programs for persons addicted  
5 to the use of drugs.

6 *Section 217F.* Upon the certification of the commissioner of  
7 public health that a person is addicted to the use of drugs, any  
8 justice or associate justice of the district court may by order  
9 commit such person to an institution designated by the depart-  
10 ment of public health as a drug addict rehabilitation center for  
11 prolonged rehabilitation at said institution or at such place or  
12 places that the commissioner determines is in the best interest  
13 of the person or in the interest of the public health, until such  
14 time as the commissioner of public health certifies to the court  
15 that said person is in his opinion fit for release. Upon the pres-  
16 entation of a certificate of fitness, the judge may order the release  
17 of such person.

18 *Section 217G.* The department of public health shall desig-  
19 nate an institution under its supervision as a drug addict re-  
20 habilitation center.

21 *Section 217H.* The commissioner of public health, with prob-  
22 able cause to believe that a person is addicted to drugs, shall file  
23 a petition in the district court under section two hundred and  
24 seventeen F for the commitment and rehabilitation of such per-  
25 son. If, in the opinion of the commissioner, the immediate re-  
26 straint of the person addicted to drugs is in the interest of said  
27 person or in the interest of the public health, the commissioner  
28 may order him to be forcibly restrained and admitted to the  
29 rehabilitation center as designated by authority of section two  
30 hundred and seventeen G for a fifteen-day observational period.  
31 The commissioner or his agent may call upon the police depart-  
32 ment of the city or town in which the person is located or the  
33 state police to provide for transportation and assistance in de-  
34 livering the addict to the rehabilitation center. If the patient is  
35 sent to the rehabilitation center as provided for above, the super-  
36 intendent of said institution shall at the expiration of fifteen  
37 days release the patient, unless an order of commitment has been  
38 ordered by the court as provided in section two hundred and  
39 seventeen F.

40 *Procedure for Certification of Addiction.*—The commissioner  
41 of public health shall appoint two physicians experienced in the  
42 diagnosis of persons addicted to drugs to examine the person and  
43 report to him their opinion as to the condition of the persons  
44 addicted. None of the physicians shall be on the full-time staff  
45 of a state, county or municipal hospital. Upon the presentation

46 of the certification of the commissioner of public health that a  
47 person is addicted to drugs, the court shall give the person notice  
48 of his right to hearing on the matter of his commitment. If the  
49 person does not request a hearing, the judge may order his com-  
50 mitment on the basis of the commissioner's certification.

