

By Mr. Durand, a petition (accompanied by bill, Senate, No. 557) of Robert A. Durand, W. Paul White, Michael J. Barrett and Lois G. Pines for legislation to protect persons with disabilities. Human Services and Elderly Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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AN ACT TO PROTECT DISABLED PERSONS.

*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 6A of the General Laws is hereby  
2 amended by inserting after section 16 the following new  
3 sections: —

4 Section 16B (A) Disabled citizens, as all other citizens of the  
5 Commonwealth, are entitled to equal protection under Article  
6 CXIV of the Massachusetts Constitution, which prohibits  
7 discrimination on the basis of handicap, and the full protection  
8 of the laws of the Commonwealth which prohibit the use of  
9 corporal punishment on school children and prisoners.

10 No program funded, operated, licensed, or approved by any  
11 agency or subdivision of the Commonwealth shall administer to  
12 any person with a physical or mental disability any procedure  
13 which causes obvious signs of physical pain, including, but not  
14 limited to hitting, pinching, and electric shock, for the purpose  
15 of changing the behavior of the person.

16 No such program may employ any form of physical contact or  
17 punishment which is otherwise prohibited by law, or would be  
18 prohibited if used on a non-disabled person.

19 No such program may employ any procedure which denies a  
20 person with a physical or mental disability adequate sleep, food,  
21 shelter, bedding or bathroom facilities.

22 (B) Any violation of this section shall be grounds for revocation  
23 or suspension of a program's license, approval, certification, and

24 funding by the state licensing or contracting agency in  
25 consultation with the executive office of health and human  
26 services or the department of education, as appropriate.

1 SECTION 2. The secretary of health and human services,  
2 hereinafter referred to as the secretary, and the commissioner of  
3 education, hereinafter referred to as the commissioner, shall  
4 identify those persons with mental or physical disabilities who,  
5 prior to April 1, 1992 and during the period from April 1, 1992  
6 until the date that the Governor signed this Act into law, were  
7 subjected to procedures, physical contact or punishment  
8 prohibited by section 16B of chapter 6A, as inserted by this Act,  
9 and who, but for the provisions of said section 16B would continue  
10 to be subjected to such procedures, physical contact, or  
11 punishment. Said provisions of said section 16B shall not apply  
12 to disabled persons so identified until one year after the Governor  
13 signed this Act into law.