

By Ms. Hildt of Amesbury, petition of Barbara Hildt, Byron Rushing, Nelson Merced and Shirley Owens-Hicks relative to regulating the use of chemical weapons in correctional institutions. 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-One.

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### AN ACT REGULATING THE USE OF CHEMICAL WEAPONS IN CORRECTIONAL INSTITUTIONS.

*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 127 of the General Laws is hereby amended by inserting  
2 after section 33 the following section: —

3 Section 33A. The department of correction shall regulate the  
4 use of chemical agents designed to protect the safety of persons  
5 or property within its facilities by means of regulations  
6 promulgated pursuant to chapter thirty-A. Said regulations shall  
7 include, but not be limited to, the following provisions: —

8 (A) Chemical agents shall be administered only with the  
9 approval of the facility superintendent or designee, except in  
10 circumstances where prior approval would jeopardize the safety  
11 of staff, inmates or would result in damage to property in which  
12 case the superintendent or designee shall be notified as soon  
13 thereafter as possible. Designees shall not extend below the rank  
14 of shift commander.

15 (B) Proper decontamination shall be employed to persons  
16 against whom chemical agents have been used and to the area in  
17 which the chemical agents were used.

18 (C) Chemical agents shall only be administered in accordance  
19 with manufacturers' recommendations, by personnel trained in  
20 their use and trained in decontamination procedures. Said  
21 training shall be conducted by personnel who have themselves  
22 been trained in the use of chemical agents.

23 (D) In all instances of the use of chemical agents, including  
24 decontamination procedures, the superintendent or designee shall  
25 prepare a report containing the date, time and place of the use  
26 of the chemical agent, the identity of the chemical agent, the name  
27 of the personnel who applied the agent, the name of the personnel  
28 who authorized the application of the chemical agent, the reasons  
29 for its use, and any other information that the superintendent or  
30 designee deems appropriate to explain the circumstances of the  
31 application. Corrections personnel shall videotape all applications  
32 of chemical agents, including decontamination, unless, in the  
33 judgment of the shift commander, videotaping would endanger the  
34 safety of corrections personnel or inmates or the security of the  
35 institution. Said reports shall state whether or not videotapes were  
36 made.

37 (E) The department of correction shall keep and publish yearly  
38 statistical records of all instances of the use of chemical agents  
39 in its facilities. Said records, inclusive of reports defined in subsection  
40 (D) shall be submitted to the house and senate committee  
41 on human services and elderly affairs annually.