

By Mr. Bolling of Boston, petition of Thomas C. Norton and other members of the House and others for legislation to restrict the administration of certain drugs or other treatment on mentally retarded or elderly persons, criminal offenders and alcoholics. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

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
2 hereby amended by inserting after section 3 the following new
3 section: —

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

18 *Electroconvulsive (shock) therapy:* the use of electricity to
19 artificially produce convulsive seizures and unconsciousness in
20 human beings.

21 *Psychotropic drugs*: any and all derivatives of the following
22 classes of drugs: tranquilizers, sedatives (barbituates and non-
23 barbituates), antidepressants, antipsychotics (ataractics),
24 phenothiazine, psychostimulants.

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

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

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

32 *Elderly*: human beings over the age of sixty years.