

By Mr. Jordan of Springfield, petition of Raymond A. Jordan, Jr., Royal L. Bolling, Jr., Kevin W. Fitzgerald and Bill Owens relative to the rights of patients to refuse shock treatment and psychosurgery. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT CONCERNING THE RIGHT TO REFUSE SHOCK TREATMENT AND PSYCHOSURGERY.

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. Section 23 of Chapter 123 of the General Laws as
2 most recently amended by Chapter 291 of the Acts of 1974 is
3 hereby amended by striking the word lobotomy in the last para-
4 graph and adding in its place the word "psychosurgery".

1 SECTION 2. Section 23 of Chapter 123 of the General Laws is
2 hereby further amended by adding after the word "rights" in line 10
3 of the last paragraph, the words "except for the rights to refuse
4 shock treatment and psychosurgery" and by striking out the
5 remainder of the paragraph after the word "person" in line 12 of the
6 last paragraph.

1 SECTION 3. Section 23 of Chapter 123 of the General Laws is
2 hereby further amended by adding the following after the last
3 paragraph:

4 The rights to refuse shock treatment and psychosurgery shall
5 apply to persons receiving treatment at any mental health facility
6 or in any general hospital, whether public or private, and any pri-
7 vate office or home.

8 Shock treatment or psychosurgery may not be performed on any
9 person who has refused them unless he or she has been determined

10 by a Judge, after a hearing in Superior Court, to be incompetent to
11 manage his or her own affairs. In such a case, fully informed
12 written consent must be obtained from the person's legal guardian.
13 If the legal guardian refuses to give consent, the shock treatment or
14 psychosurgery may not be performed under any circumstances.