

SENATE No. 635

By Mr. Leahy, a petition (accompanied by bill, Senate, No. 635) of Daniel P. Leahy for legislation relative to mandatory inpatient treatment on the admittance to a drug or alcohol treatment facility, Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

—
In the Year One Thousand Nine Hundred and Ninety-Five.
—

AN ACT RELATIVE TO MANDATORY INPATIENT TREATMENT FOR CERTAIN ALCOHOL OR DRUG DEPENDENT 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. Section 7 of chapter 111B of the General Laws is
2 hereby amended by striking out the third paragraph, as appearing
3 in the 1992 Official Edition, and inserting in place thereof the fol-
4 lowing paragraph: —

5 Notwithstanding the provisions of any general or special law or
6 rule or regulation to the contrary, any person who voluntarily
7 applies for admission for treatment to a facility shall receive treat-
8 ment at such facility for not less than sixty days. Any person who,
9 at the time of admission is intoxicated and is incapacitated, shall
10 remain at the facility until he is no longer incapacitated but, in no
11 event, shall such person be required to remain for a period greater
12 than forty-eight hours unless he voluntarily elects to admit him-
13 self to such facility once he is no longer incapacitated. Any person
14 committed for rehabilitative purposes to the Massachusetts correc-
15 tional institution at Bridgewater or to the Massachusetts correc-
16 tional institution at Framingham, shall be required to remain for a
17 period of not less than ten days.

1 SECTION 2. Section 8 of chapter 111E of the General Laws,
2 as appearing in the 1992 Official Edition, is hereby amended by
3 striking out the last paragraph and inserting in place thereof the
4 following paragraph: —

5 Notwithstanding the provisions of this section or any other gen-
6 eral or special law or rule or regulation to the contrary, any person
7 who voluntarily applies for admission for treatment to a facility as
8 a drug dependent person shall receive treatment at such facility
9 for not less than sixty days. Any person who, at the time of admis-
10 sion is intoxicated or incapacitated, shall remain at the facility
11 until he is no longer incapacitated but, in no event, shall such
12 person be required to remain for a period greater than twenty-four
13 hours unless he voluntarily elects to admit himself to such facility
14 once he is no longer incapacitated.

1 SECTION 3. Paragraph (a) of subdivision (H) of section 110
2 of chapter 175 of the General Laws, as appearing in the 1992
3 Official Edition, is hereby amended by striking out the first sen-
4 tence and inserting in place thereof the following sentence: — In
5 the case of benefits based upon confinement as an inpatient in an
6 accredited or licensed hospital or in any other public or private
7 facility thereof providing services especially for the detoxification
8 or rehabilitation of intoxicated and drug dependent persons or
9 alcoholics and which is licensed by the department of public
10 health for those services, or in a residential alcohol treatment pro-
11 gram as referred to in section twenty-four of chapter ninety, such
12 benefits shall be at least sixty days in any calendar year.