



AN ACT ENSURING ACCESS TO ADDICTION SERVICES

SD. 1129, SEN. FRIEDMAN,
HD. 2465, REP. BALSER

DESCRIPTION

An Act ensuring access to addiction services would end the practice of incarcerating men who have not been charged with any crime but who have been civilly committed for involuntary treatment for alcohol and substance use disorders under M.G.L. c. 123 § 35 (Section 35). Instead of sending these men to correctional custody, it would require that there be treatment capacity in settings administered by the Department of Public Health and Department of Mental Health.

WHY THIS MATTERS

Alone in the country, Massachusetts commits men with alcohol use disorder or substance use disorder (SUD) to prison when there are not enough beds elsewhere - a vestige of times when SUD was seen as a moral failing rather than a disease. Under G.L. c., 123 § 35, ("Section 35") men and women may be involuntarily committed for SUD treatment for up to 90 days if a court finds that they pose a risk to themselves or others. In 2016, Section 35 was amended to prohibit incarceration for women, a step which Governor Baker hailed in his 2019 inaugural address. This bill would do the same for men.

The need for SUD treatment is great. But rather than provide adequate resources for Section 35 treatment for men in facilities run by the Departments of Public Health and Mental Health (DPH and DMH), Massachusetts has instead expanded Section 35 capacity in the Department of Correction (DOC) and entered into an agreement with the Hampden County Sheriff's Department (HCSD). Most men held under Section 35 now are sent to a correctional setting.

Being sent to DOC or HCSD custody reinforces the shame that people with addiction feel and the stigma that addiction carries in the community, all of which prevents people from seeking help. The harsh and punitive environment in these facilities is traumatizing and not conducive to recovery. For many, the trauma and shame of incarceration reverberate even after release.



IMPACT

This bill will require that all Section 35 beds, for men as well as women, be in health care facilities approved by the DPH or the DMH, and not in correctional facilities. It will require that people with SUD be treated as patients.

CONTACT

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