

By Mr. Lombardi of Cambridge, petition of Michael J. Lombardi relative to the treatment of alcoholics. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE TREATMENT OF ALCOHOLICS.

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 8 of chapter 111B of the General Laws,
2 as most recently amended by chapter 1143 of the acts of 1973, is
3 hereby further amended by adding at the end of the fourth
4 paragraph the following sentence:—If the person has been
5 taken into protective custody three or more times within the
6 previous 12 months, the officer in charge or designee shall notify
7 the nearest facility and they shall take him into custody for
8 treatment for a period not exceeding ten days. If said person
9 refuses treatment he shall be held for the court under provision
10 of section thirty of chapter one hundred and twenty-three.

1 SECTION 2. Chapter 123 of the General Laws is hereby
2 amended by striking out section 35, as most recently amended
3 by section 2 of chapter 643 of the acts of 1973, and inserting in
4 place thereof the following section:

5 Section 35. For the purpose of this section, "alcoholic" shall
6 mean a person who chronically or habitually consumes alcoholic
7 beverages to the extent that (1) such use substantially injures his
8 health or substantially interferes with his social or economic
9 functioning, or (2) he has lost the power of self-control over the
10 use of such beverages.

11 Any police officer, physician, spouse, blood relative may
12 petition in writing any district court for the order of
13 commitment of a person whom he has reason to believe is an
14 alcoholic. Summons to be first issued by the court. If he does
15 not appear, then a warrant is to be issued.

16 The person shall have the right to be represented by legal
17 counsel and may present an independent expert or other
18 testimony. If the court finds such person indigent, it shall
19 immediately appoint counsel. When the person appears on the
20 summons or the warrant, the court shall order an examination
21 by a qualified physician.

22 If after the hearing, the court, based upon competent medical
23 testimony, finds that such person is an alcoholic and there is a
24 likelihood of serious harm as a result of alcoholism, it may order
25 such person to be committed for a period not to exceed thirty
26 days.

27 Such commitment shall be for the purpose of inpatient care in
28 public or private facilities approved by the department of public
29 health under the provisions of chapter one hundred and eleven B
30 for the care and treatment of alcoholism. The person may be
31 committed to the Massachusetts correctional institution at
32 Bridgewater, if a male, or at Framingham, if a female, provided
33 that there are suitable facilities available under chapter one
34 hundred and eleven B; and provided, further, that the person so
35 committed shall be housed and treated separately from
36 convicted criminals. A person so committed may be released
37 prior to the expiration of the period of commitment upon
38 determination by the superintendent that release of said person
39 will not result in a likelihood of serious harm. Said person shall
40 be encouraged to consent to further treatment and shall be
41 allowed voluntarily to remain in the facility for such purposes.
42 The department of mental health, in conjunction with the
43 department of public health, shall maintain a roster of public
44 and private facilities available, together with the number of beds
45 currently available, for the care and treatment of alcoholism and
46 shall make it available to the district courts for the com-
47 monwealth on a monthly basis.

48 Nothing in this section shall preclude any public or private
49 facility for the care and treatment of alcoholism, including the
50 separated facilities at the Massachusetts correctional institutions
51 at Bridgewater and Framingham, from treating persons on a
52 voluntary basis.



City of Cambridge

4.
IN CITY COUNCIL
December 12, 1977

COUNCILLOR GRAHAM

ORDERED: That this City Council go on record favoring House Bill No. 1226,
the same being "An Act Relative to the Treatment of Alcoholics".

In City Council December 12, 1977
Adopted by the affirmative vote of 7 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy".

C. Graham re: favoring H.B. #1226, the same
being "An Act Relative to the Treatment of
Alcoholics".

In City Council,
December 12, 1977



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November 26, 1977

Mr. Paul Healy.
City Clerk
City Hall
Cambridge, Mass.

Dear Paul:

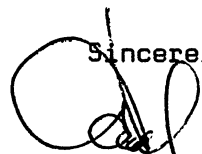
Approximately one and one-half years ago, the Cambridge City Council was gracious enough to support an order providing mandatory medical treatment for alcoholics. Again, I seek the support of the Cambridge City Council on what is, I trust, a non-controversial measure.

Enclosed, you will please find a copy of House Bill #1226

At the present time, state law provides that an alcoholic is not a criminal. I fully agree with this, but I also feel that the same state which takes away both the criminal status and any assistance for a person who is incompetent and unable to help himself, should remedy such a defect in the law by providing medical treatment under the conditions outlined in the attached bill. The present situation leaves a big gap, and makes for a very inhumane situation, for those unfortunates who are absolutely unable to help themselves, and, yet, are unable to obtain assistance from the same society that provides them with the alcoholic beverages which creates or fosters this illness.

Your cooperation in this regard would be greatly appreciated. If the Cambridge City Council would consider my request, and does pass the order, I would appreciate your sending me a copy of said order at your earliest possible convenience.

Sincerely,


Carl R. Barron

CFB/fs
cc: Mr. Walter Sullivan



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S-619

Comm. from Carl F. Barren supporting House
Bill #1226, the same being "An Act Relative to
the Treatment of Alcoholics".

In City Council,

Dec. 12, 1977

12/12/77

LT

Order Adopted
Passing the
Proposed Legislation