



Mental Health Legal Advisors Committee



April 11, 2024

House Committee on Ways and Means
Massachusetts State House
24 Beacon St.
Room 243
Boston, MA 02133

Re: Support for H. 1966, An Act ensuring access to addiction services

Dear Chair Michlewitz, Vice Chair Ferrante, and Asst. Vice Chair Haddad:

We write as medical, public health and legal professionals to express support for H.1966, whose lead sponsor is Representative Balsler of Newton. This bill 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. chapter 123, section 35 (also known as “Section 35”).

As treatment professionals and members of the public health community, we have seen first- hand the harmful effects of criminalizing substance use disorders.

Using correctional facilities to house people who are not being held under any criminal charges instills shame and stigma that undermine recovery. It discourages people with addiction and their families from seeking help, and signals to the community that substance use disorder (SUD) is a crime.

Massachusetts is an outlier among states with civil commitment for SUD. No other state uses corrections rather than civilian treatment settings for such patients. The Commonwealth has long recognized that it is wrong to incarcerate Section 35 patients. Governor Baker applauded the end of Section 35 incarceration for women in 2016. In 2019, the Section 35 Commission established by the legislature recommended that the Commonwealth prohibit the use of prisons and jails for Section 35 patients.

When Massachusetts outlawed the incarceration of women under Section 35, the state moved Section 35 resources from MCI Framingham to treatment centers overseen by DPH and DMH, such as Women's Addiction Treatment Center and the Women's Recovery from Addiction Program. However, men remain subject to this harmful incarceration and the Commonwealth continues to spend millions of dollars to imprison men under Section 35. This creates further barriers to their recovery and perpetuates the already pervasive stigma surrounding SUD. Now, we have an opportunity to change this by shifting resources to settings far more appropriate for treatment.

Your action in support of this bill will help ensure that all of Massachusetts' SUD patients are treated in an appropriate environment, in accord with broadly accepted principles of care.

cc: Speaker Mariano

Sincerely,

ACLU of Massachusetts
Association for Behavioral Healthcare
Committee for Public Counsel Services
Grayken Center for Addiction at Boston Medical Center
Health Care For All
Health Law Advocates
Massachusetts Association for Mental Health
Massachusetts Association of Behavioral Health Systems
Massachusetts College of Emergency Physicians
Mass. General Brigham Healthcare System
Massachusetts Organization for Addiction Recovery
Massachusetts Psychiatric Society

Massachusetts Psychological Association

Massachusetts Public Health Association

Massachusetts Society of Addiction Medicine

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National Association of Social Workers- Massachusetts

Prisoners' Legal Services of Massachusetts

UMass Boston, Bioethics and Human Rights Lab

Women and Incarceration Project, Center for Women's Health and Human Rights, Suffolk University