



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR CINDY F. FRIEDMAN
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Chair
JOINT COMMITTEE ON HEALTH CARE FINANCING

Chair
SENATE COMMITTEE ON STEERING AND POLICY

October 6, 2025

Senator John C. Velis
Chair, Joint Committee on Mental Health, Substance Use and Recovery
24 Beacon St. Room 513
Boston, MA 02133

Representative Mindy Domb
Chair, Joint Committee on Mental Health, Substance Use and Recovery
24 Beacon St. Room 33
Boston, MA 02113

Dear Chair Velis and Chair Domb,

I write in support of my refiled bill before your committee, S.1402, *An Act ensuring access to addiction services*.

If an individual suffering from alcohol or substance use disorder (SUD) is a danger to themselves or others, Section 35 of Chapter 123 of our General Laws allows the court to involuntarily commit that individual to a health care facility for alcohol or SUD treatment for 90 days. Crucially, if there are not enough beds available in treatment facilities, the court can commit these individuals to a correctional facility.

However, these individuals have not committed any crimes. Section 35 is a form of *civil* commitment meant to protect those suffering from alcohol or SUD and connect them to treatment. Yet, in certain circumstances, people may find themselves in a correctional facility due to their alcohol or SUD. Massachusetts is the **only** state that allows this, and it is wrong. Individuals committed pursuant to Section 35 should be sent to appropriate health care facilities, not jail or prison. Beyond the obvious injustice, correctional facilities are punitive institutions that do not have the ability to provide adequate treatment.

Fortunately, in recent years we've begun to address this issue. In 2016, we prohibited courts from sending women to correctional facilities under Section 35. S.1402 would take the next step and require all people committed under Section 35 – both women ***and*** men – to be sent to facilities licensed and approved by the Department of Public Health or the Department of Mental Health, and not the Department of Corrections. The bill would make an exception for an individual who is concurrently committed pursuant to a criminal case. In that event, the bill would allow the court to commit that individual to a correctional facility but specifies that the facility must be able to provide appropriate, evidence-based treatment.

Many people suffering from alcohol or SUD sent to correctional facilities pursuant to Section 35 have experienced harsh living conditions, profound trauma, shame, and extreme difficulty trying to manage their recovery process. A correctional facility simply is not an appropriate setting for those who need care. Thus, passing S.1402 is a moral and necessary step in the right direction toward ending the criminalization of alcohol and SUD.

I respectfully request the committee report this bill favorably. Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, reading "Cynthia F. Friedman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Cindy F. Friedman