

HOUSE No. 2535

The Commonwealth of Massachusetts

PRESENTED BY:

Greg Schwartz and Kate Donaghue

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a Naloxone Purchase Trust fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Greg Schwartz</i>	<i>12th Middlesex</i>	<i>1/17/2025</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/21/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/4/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/7/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/10/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/3/2025</i>

HOUSE No. 2535

By Representatives Schwartz of Newton and Donaghue of Westborough, a petition (accompanied by bill, House, No. 2535) of Greg Schwartz, Kate Donaghue and others for legislation to establish a universal purchase system for opioid antagonist distribution in the Commonwealth. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act establishing a Naloxone Purchase Trust fund.

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 X. Chapter 111 of the General Laws is hereby amended by inserting the
2 following section:-

3 Section XX.

4 (a) As used in this section the following words shall, unless the context clearly requires
5 otherwise, have the following meanings:-

6 “Estimated cost”, a projection of funds needed during a fiscal year for the purchase,
7 storage and distribution of opioid antagonists.

8 “Opioid antagonist”, naloxone or any other drug approved by the federal Food and Drug
9 Administration as a competitive narcotic antagonist used in the reversal of overdoses caused by
10 opioids.

“Opioid antagonist distribution”, the distribution of opioid antagonists to healthcare facilities including but not limited to:

- (i) acute care hospitals;
- (ii) emergency departments;
- (iii) substance use disorder treatment facilities; and
- (iv) community health centers;

provided that, opioid antagonists shall be offered to a patient who has (i) a history of using opioids; (ii) been diagnosed with opioid use disorder; or (iii) experienced an opioid-related overdose.

“Substance use disorder treatment facilities”, a facility licensed or approved by the department or the department of mental health to offer treatment for substance use disorder, including, but not limited to: (i) withdrawal management services; (ii) clinical stabilization services; (iii) transitional support services; (iv) residential support services; (v) community behavioral health center services; (vi) office-based opioid or addiction treatment services; or (vii) inpatient or outpatient substance use disorder services.

(b) There shall be established in the commonwealth a separate trust fund to be known as the Naloxone Purchase Trust Fund to support a universal purchase system for opioid antagonist distribution in the commonwealth. The fund shall be expended to cover the costs of opioid antagonist distribution. The fund shall consist of all monies transferred from the executive office of health and human services pursuant to section 66 of chapter 118E, all money received as voluntary contributions to the fund, including but not limited to contributions from third party

32 payers or third party administrators, as defined in section 1 of chapter 12C and any interest
33 earnings on such monies. The fund shall be maintained by the commissioner of the department or
34 a designee. The monies shall be expended under the direction of the department, without prior
35 appropriation, solely to cover opioid antagonist distribution program costs; provided, however,
36 that the amount to be expended for storing and distributing opioid antagonists, if such costs are
37 not covered by federal contribution, shall not exceed 10 per cent of the total amount of the fund
38 expended for the purchase of naloxone needed for opioid agonist distribution in the
39 commonwealth. The department may incur expenses and the comptroller may certify for
40 payment amounts in anticipation of the most recent estimate of expected receipts, as certified by
41 the secretary of administration and finance; provided, however, that no expenditure shall be
42 made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Any
43 balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent
44 fiscal years and shall not be transferred to any other fund or revert to the General Fund. The
45 commissioner of the department or a designee shall annually report the amount of funds
46 collected and any expenditures made from the fund to the clerks of the house of representatives
47 and senate to be forwarded on to the house and senate committees on ways and means, the house
48 and senate chairs of the joint committee on public health and the house and senate chairs of the
49 joint committee on health care financing.

50 (c) The department may adopt rules and regulations as necessary to implement the
51 universal purchase and distribution system under this chapter and other applicable state and
52 federal laws.