



July 30, 2024

Speaker of the House Ronald Mariano
Senate President Karen Spilka

Re: Support for 51A reform for prenatal substance exposure

Dear Speaker Mariano and Senate President Spilka,

Thank you for your leadership on many fronts related to substance use disorder, including improving the care of those living with addiction and your support of people in recovery. We are grateful that both the House and Senate have now passed legislation addressing the opioid epidemic. Our coalition of medical providers, policy experts, and people with lived experience urge you **to adopt a final substance use bill that reforms 51A reporting on prenatal substance use exposure.**

The provisions included in the House bill would update the 51A filing requirements to reflect current best practices in addiction treatment and continue to center the wellbeing of children and families. This policy strikes a balanced approach, achieves meaningful reform, and brings Massachusetts in line with all other New England states.

The House language would: ensure that 51A abuse and neglect reports are not required based on mere prenatal substance exposure alone without other indicia of abuse and neglect; prompt the development of guidance for health care providers regarding prenatal substance exposure; create dual-track reporting for substance exposure consistent with the federal Child Abuse Prevention and Treatment Act so that de-identified data is provided by DPH to DCF; and task DPH in consultation with DCF and the Office of the Child Advocate with studying these changes and recommending any further reforms needed.

There is broad consensus among hospitals, medical providers, families with lived experience, advocates and the relevant state agencies that it is past time to update 51A reporting for substance exposed newborns. We urge you to take action on this issue before the end of the legislative session.

Sincerely,

ACLU of Massachusetts

Boston Medical Center

Mass General Brigham

Massachusetts Health and Hospital Association

Massachusetts Law Reform Institute

Massachusetts Medical Society

Massachusetts Organization for Addiction Recovery

Massachusetts Society of Addiction Medicine

Massachusetts Public Health Association

Cc: Rep. Aaron Michlewitz & Sen. Michael Rodrigues, Ways & Means Committee
Rep. Adrian Madaro & Sen. John Velis, Mental Health, Substance Use and Recovery
Committee