



August 15, 2024

Chair Adrian Madaro

Chair Brendan Crighton

Rep. Alice Peisch

Chair John Velis

Rep. Michael Soter

Senator Ryan Fattman

**Re: Support for 51A reform for prenatal substance exposure**

Dear Chair Madaro, Chair Crighton and Members of the Conference Committee,

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 passed legislation addressing the opioid epidemic this session. As you work to craft final substance use legislation, our coalition of medical providers, policy experts, and people with lived experience urge you to **include reforms to 51A reporting on prenatal substance exposure.**

Legislation to address this issue was filed in both chambers and favorably reported by the Joint Committee on Children, Families, and Persons with Disabilities after extensive engagement with stakeholders, including all relevant state agencies. The provisions before the conference committee 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 legislation 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 the Commonwealth needs to update 51A reporting for substance exposed newborns. We urge you to send the Governor a final substance use and recovery bill that includes these critical reforms before the end of the 2023-2024 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: Speaker Mariano

Senate President Spilka