

## Sources of Legislative History

In-person research at the State Library of Massachusetts was unavailable for the 2020-2021 academic year. For this reason, I was unable to access subscription-based sources of legislative information, including Mass-Trac and the State House News Service. I used the legislature's website to compile the legislative history and then compared amendments. Pdf versions of the bill and its amendments, word conversions, and comparisons between amendments are included in the zipped folder. A summary of those comparisons follows.

### HB 4672

The Committee on House Ways and Means reported HB 4672 favorably on April 23, 2020.<sup>1</sup> HB 4672 was then thrice read, engrossed, and referred tot Senate Ways and Means.

HB 4672 includes an emergency preamble for immediate effect of the law pursuant to the Covid-19 state of emergency. The bill requires the Department of Health to compile all Covid-19 data from any entity for which the department has regulatory authority, and enumerates categories of data that must be compiled. The department must report this information on its website daily and must report an implementation update every two weeks to the joint committee on public health. The bill also creates a task force to study disparities in Covid-19 treatment for underserved and underrepresented populations, and enumerates types of recommendations that should be included in its report to the legislature to narrow those disparities.

HB 4672 was passed between the senate and the house multiple times before final passage and executive action. Each amendment replaced the bill language wholesale, but retained HB 4672 as the bill number. While the framework of HB 4672 remained intact throughout the amendment process, the senate and house bills differ markedly, and significant differences weren't resolved through three amendments until the house accepted most of the senate's language with HB 4735 (amending 4672).

### SB 2695 & SB 2703

After the senate received HB 4672, Senate Ways and Means recommended new text on May 11, 2020, inserting in place of HB 4672's language the language of SB 2695<sup>2</sup>

SB 2695 eliminated the emergency preamble. It uses "probable" in place of "presumed" case of covid-19 in referencing which cases must be reported. It clarified that Covid-19 data must be compiled daily by the department (except where there is a risk of impermissibly disclosing private information), adds demographic information that must be collected for Covid-19 patients, expands the definition of elder care facilities with reporting requirements and the information they must

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<sup>1</sup> No legislative history exists on the Legislature's site before the vote took place. 15 voted in favor: [Michael J. Rodrigues](#); [Cindy F. Friedman](#); [Jason M. Lewis](#); [Michael J. Barrett](#); [Michael D. Brady](#); [Nick Collins](#); [Barry R. Finegold](#); [Anne M. Gobi](#); [Adam G. Hinds](#); [Patricia D. Jehlen](#); [Eric P. Lesser](#); [Joan B. Lovely](#); [Michael O. Moore](#); [Michael F. Rush](#); and [Patrick M. O'Connor](#). None voted against, while two reserved their right to vote: [Ryan C. Fattman](#), and [Dean A. Tran](#). [Joseph A. Boncore](#) took no action.

<sup>2</sup> Senators with amendments to SB 2695 included Senators Brownsberger, Chang-Diaz, Pacheco, and Rodrigues.

provide, mandates disclosure to residents of assisted living centers if a resident tests positive for Covid-19, enumerates a non-exclusive list of at-risk populations that the task force should consider, lists demographics that are important in deciding which populations are underserved or underrepresented, and amends the statutory makeup of the taskforce.

On the same day, SB 2695 was amended, becoming SB 2703. HB 4672 was reprinted to reflect those amendments.

SB 2703 mandates weekly reporting for state and county correctional facilities, and requires disclosure from these facilities to the department of all information necessary to carry out the law. It also requires that all data collected by the department be made readily available to the public through the department's website. The department must also disclose in its biweekly report to the joint committee any actions taken to address treatment disparities. The task force must consider "gateway cities with hospitals dedicated to caring for patients who test positive for Covid-19" in making policy recommendations for underserved and underrepresented populations.

#### HB 4710

On May 13, 2020, the house replaced bill language with that of HB 4710.

HB 4710 substantially reverts the language to that of HB 4672. With the exceptions that HB 4710 requires that disability status be reported, and creates minor changes to the department's reporting requirements for long term care facilities and to the task force's reporting requirements for correctional facilities. It also includes the chair of the Massachusetts Asian-American Legislative Caucus as a member of the task force.

#### SB 2078

On May 18, 2020, the senate replaced the bill language with that of SB 2708.

SB 2078 switches language back to that of SB 2703. It also defines "Long-Term care facilities" and amends elsewhere to conform the bill with this definition. It adds a new Section 5, defining "elderly housing facilities" and requiring disclosure of Covid-19 data for those facilities "to the extent feasible."

#### HB 4735

On May 26, 2020, the house replaced the bill language with that of HB 4735.

HB 4735 accepts most of the changes made by SB 2708. It further changes "Long-Term care facility" to "elder care facility" and alters its definition. It requires disclosure of positive cases and known mortalities among residents and staff of those facilities. It eliminates the provision from SB 2703 permitting the department to aggregate data over a period of several days if disclosure would violate a privacy law or have similar effect. It lessens the biweekly reporting requirement to the joint committee on public health to a single report. It alters the resident disclosure requirements for new infections at elder care facilities. It eliminates section 5 defining "elder housing facility." It provides that the law's repeal will take effect after 30 days with no new reported covid-19 cases.

## Enactment and Signing

On May 28, 2020, after additional clarifying amendments were made and the emergency preamble was adopted by both houses, the legislature enacted HB 4672, as amended;

Governor Baker signed HB 4672 on June 7, 2020, thus becoming Chapter 93 of the Acts of 2020.