

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robert A. O'Leary

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 passage of the accompanying bill:

An Act Relative to the Determination of Need for Independently Licensed/Commercial Laboratories .

PETITION OF:

NAME:

Robert A. O'Leary

DISTRICT/ADDRESS:

Cape and Islands

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DETERMINATION OF NEED FOR INDEPENDENTLY LICENSED/COMMERCIAL LABORATORIES .

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 1. Chapter 111 of the general laws is hereby amended by inserting after section 53G, as
2 added by section 11 of chapter 305 of the acts of 2008, the following new section: -

3

4 "Section 53H. Notwithstanding any general or special law or regulation to the contrary, no original
5 license shall be issued to establish a clinical laboratory unless there is a determination by the
6 department that there is a need for such facility. The department shall promulgate regulations to
7 implement this section, including with respect to grandfathering of existing facilities."

8

9 SECTION 2. Section 25B of said chapter 111 is hereby further amended by inserting within the definition
10 of "Expenditure minimum with respect to substantial capital expenditures", after the clause "other than
11 ambulatory surgery," the following:-

12

13 "or other than expenditures with respect to an independently licensed clinical laboratory".