ATTACHMENT J

July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 49, 50, and 51 of House Bill No. 5050, “An Act making appropriations for the fiscal year 2023 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements.”

These are among a set of sections that would broaden access to critical and effective human immunodeficiency virus (HIV) prevention services in a variety of ways. While I support and am signing several initiatives in this collection, including those that authorize public health clinics that provide treatment for venereal diseases to also provide preventative care for HIV, I am recommending amendments to sections 49, 50, and 51.

These sections designate prevention of HIV as emergency treatment of a minor, which would allow minors to receive pre-exposure prophylaxis and other prevention treatment without parental consent. I agree with the broad aim of these sections, as it is vital to expand HIV prevention treatment to all eligible patients. Treatment decisions concerning minors, however, should include the minor’s parents whenever possible. Additionally, using antiretroviral medication to reduce the risk for acquiring HIV in adolescents is a new and evolving practice. Therefore, such treatment should only be provided to minors without parental consent in the limited circumstance where it is clearly necessary for the protection of the minor’s health and well-being and consultation with a parent is not possible. I am returning these sections with language that is tailored to accomplish this goal.

For these reasons, I recommend striking out sections 49, 50, and 51 in their entirely and inserting in place thereof the following 3 sections:-

SECTION 49. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word “patient”, in line 6, the following words:- , or for the prevention of HIV for sexually active minors.

SECTION 50. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word “be”, in line 14, the following words:- at risk of exposure due to sexual activity or to be.

SECTION 51. Said section 12F of said chapter 112, as so appearing, is hereby amended by inserting after the word “disease”, in line 18, the following words:- , or prevention of HIV if the minor is sexually active.

Respectfully submitted,

Charles D. Baker

Governor