

Chapter **26**
of the Acts of 2023

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-Third General Court

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2023 TO PROVIDE FOR
SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER
ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its
purposes, which are forthwith to make supplemental appropriations for fiscal
year 2023 and to make certain changes in law, each of which is immediately
necessary to carry out those appropriations or to accomplish other important
public purposes, therefore it is hereby declared to be an emergency law,
necessary for the immediate preservation of the public convenience. _____

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

SECTION 1. To provide for certain unanticipated obligations of the
commonwealth, to provide for an alteration of purpose for current
appropriations and to meet certain requirements of law, the sums set forth in
section 2A are hereby appropriated from the General Fund, the Transitional
Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as
amended by section 4 of chapter 98 of the acts of 2022, or the federal COVID-
19 response fund established in section 2JJJJJ of chapter 29 of the General
Laws unless specifically designated otherwise in this act, for the several
purposes and subject to the conditions specified in this act and subject to
the laws regulating the disbursement of public funds for the fiscal year
ending June 30, 2023. This sum shall be made available until June 30, 2024.

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-2302 For a reserve to support mitigation costs associated
with natural disasters that occurred in 2023; provided,
that these funds may be used for mitigation costs
related to farms impacted by such natural disasters;
provided further, that funds in this item shall be
administered by the executive office for administration

and finance and the department of agricultural resources; provided further, that efforts shall be made to maximize available federal reimbursement for the purposes of this item; and provided further, that efforts shall be made to maximize opportunities for private contributions for the purposes of this item... \$20,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-1111 For the distribution of funds for fiscally strained hospitals; provided, that up to \$91,474,590 shall be distributed to hospitals eligible for the supplemental payment described in section 5.D.22 of the rate year 2023 acute hospital request for applications, available on COMMBUYS, the state procurement system, as bid number BD-23-1039-EHS01-EHS01-79493, as amended by amendment number 3 issued on April 13, 2023 by the office of Medicaid, and as may be further amended from time to time; provided further, that the executive office of health and human services shall disburse funds according to said section 5.D.22 and the terms of any payment agreement between the recipient hospital and the executive office; provided further, that not less than \$58,525,410 shall be distributed to non-profit or municipal acute care hospitals licensed under section 51 of chapter 111 of the General Laws that are designated by the center for health information and analysis as non-specialty hospitals, and that had a Medicaid payer mix of not less than 24 per cent in fiscal year 2021 as calculated using data published by the center in May 2023 in its HFY2021 Massachusetts Hospital Profiles databook; provided further, that the executive office shall prioritize funds for hospitals demonstrating significant financial need based on: (i) the current liquidity position of the hospital or its associated hospital health system; (ii) the hospital's total margin as reported in the center's quarterly hospital financial performance report published April 2023; and (iii) any other data the executive office deems relevant,

including the amount of previous state financial support provided to the hospital in response to the 2019 novel coronavirus pandemic; provided further, that not less than \$30,000,000 shall be distributed by the executive office to acute care hospitals licensed under said section 51 of said chapter 111 that demonstrate significant financial need based on criteria established by the executive office; provided further, that, in creating its criteria, the executive office shall: (a) consider relative price index; and (b) prioritize hospitals designated by the center as community-high public payer hospitals that had a public payer mix of not less than 74 per cent in fiscal year 2021 calculated using data published by the center in May 2023 in its HFY2021 Massachusetts Hospital Profiles databook; provided further, that funds unexpended under the previous provisions of this item shall not revert to the General Fund but shall be redistributed by the executive office to acute care hospitals licensed under said section 51 of said chapter 111 that demonstrate significant financial need based on the criteria established by the executive office pursuant to the previous provision; and provided further, that a hospital shall only be eligible to receive funds through 1 of the 3 preceding sets of payment distribution criteria under this item..... \$180,000,000

SECTION 3. Section 2 of chapter 128C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word "simulcast", in line 14, the following words:- at any location in Suffolk county approved by the commission.

SECTION 4. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word "simulcast", in line 42, the following words:- at any location in Bristol county approved by the commission:.

SECTION 5. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word "simulcast", in line 78, the following words:- at any location in Norfolk county approved by the commission:.

SECTION 6. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word "simulcast", in line 111, the following words:- at any location in Suffolk county approved by the commission.

SECTION 7. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 1 of chapter 128 of the acts of 2022, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 8. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words "July 31, 2023", inserted by section 2 of said chapter 128, and inserting in place thereof the following words:- December 15, 2025.

SECTION 9. The introductory paragraph of section 13 of said chapter 494 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 3 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 10. Section 15 of said chapter 494 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 4 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 11. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 5 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 12. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 6 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 13. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words "July 31, 2023", inserted by section 7 of said chapter 128, and inserting in place thereof the following words:- December 15, 2025.

SECTION 14. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 8 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 15. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words "July 31, 2023", inserted by section

9 of said chapter 128, and inserting in place thereof the following words:-
December 15, 2025.

SECTION 16. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words "and until July 31, 2023", inserted by section 10 of said chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

SECTION 17. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words "July 31, 2023", inserted by section 11 of said chapter 128, and inserting in place thereof the following words:-
December 15, 2025.

SECTION 18. Section 20 of chapter 449 of the acts of 2006 is hereby amended by striking out the words "July 31, 2023", inserted by section 12 of said chapter 128, and inserting in place thereof the following words:-
December 15, 2025.

SECTION 19. Section 92 of chapter 194 of the acts of 2011 is hereby amended by striking out the words "July 31, 2023", inserted by section 13 of said chapter 128, and inserting in place thereof the following words:-
December 15, 2025.

SECTION 20. Section 112 of said chapter 194 is hereby amended by striking out the words "July 31, 2023", inserted by section 14 of said chapter 128, and inserting in place thereof the following words:- December 15, 2025.

SECTION 21. Section 74 of chapter 10 of the acts of 2015 is hereby amended by striking out the words "July 31, 2023", inserted by section 15 of said chapter 128, and inserting in place thereof the following words:-
December 15, 2025.


SECTION 22. Sections A1, 17 and 18 of chapter 128 of the acts of 2022 are hereby repealed.

SECTION 23. Notwithstanding section 2 of chapter 128A of the General Laws, sections 1, 2, 2A and 4 of chapter 128C of the General Laws and section 9 of said chapter 128C, as inserted by section 6 of chapter 173 of the acts of 2022, or any other general or special law to the contrary, the running race horse meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A and simulcast wagering pursuant to said chapter 128C in calendar year 2023 shall remain licensed as a running horse racing meeting licensee and shall remain authorized to conduct simulcast wagering pursuant to said chapter 128C until December 15, 2025; provided, however, that the days between January 1, 2023 and December 31,


2025 shall be dark days pursuant to said chapter 128C and the licensee shall be precluded from conducting live racing during that period unless it applies for and is granted a supplemental live racing license pursuant to said chapter 128A; provided further, that the licensee shall not simulcast or accept a wager on greyhound dog racing on or after August 10, 2023 pursuant to section 9 of chapter 128C of the General Laws; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. 3001 et seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. 3004(a)(1)(A) shall require the approval of the New England Horsemen's Benevolent & Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

House of Representatives, July 31, 2023.

Preamble adopted,


 , Speaker.
In Senate, July 31, 2023.

Preamble adopted,


 , President.

House of Representatives, July 31, 2023.

Bill passed to be enacted,

 , Speaker.
In Senate, July 31, 2023.

Bill passed to be enacted,

 , President.

July 31, 2023.

Approved,

at 10 o'clock and 50 minutes, P. M.

 Governor.