HOUSE DOCKET, NO. 1501 FILED ON: 1/20/2011

HOUSE . . . . . No. 1303

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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:

An Act providing limited immunity from prosecution for a person who seeks to obtain medical assistance for a drug related overdose.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	*6th Norfolk*
Patricia D. Jehlen	☐ *[District]* ☐
James J. O'Day	*14th Worcester*
Denise Provost	*27th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*

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HOUSE . . . . . No. 1303

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 1303) of William C. Galvin and others that persons receiving treatment for drug overdoses be granted limited immunity from prosecution for possession of controlled substances. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3992* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act providing limited immunity from prosecution for a person who seeks to obtain medical assistance for a drug related overdose.

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. Chapter 94C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after section 41, the following new section:-

Section 41A.

A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance pursuant to the provisions of this chapter, or any other General Law, if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance

A person who experiences a drug-related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance. pursuant to the provisions of this chapter, or any other General Law, if the evidence for the charge of possession of a controlled substance was gained as a result of the overdose and the need for medical assistance.

The act of seeking medical assistance for someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for a drug related offense.