HOUSE DOCKET, NO. 2783 FILED ON: 1/21/2011

HOUSE . . . . . No. 2256

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 relating to controlled substances and medical treatment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	*14th Norfolk*
Linda Dorcena Forry	*12th Suffolk*
David Paul Linsky	*5th Middlesex*
Ruth B. Balser	*12th Middlesex*
Alice K. Wolf	*25th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Denise Provost	*27th Middlesex*
Ellen Story	*3rd Hampshire*

HOUSE DOCKET, NO. 2783 FILED ON: 1/21/2011

HOUSE . . . . . No. 2256

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2256) of Alice Hanlon Peisch and others relative to prohibiting the prosecution of persons seeking medical assistance for the costs of drug-related overdoses. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1653* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relating to controlled substances and medical treatment.

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 the 2008 Official Edition, is hereby amended by inserting the following section:

Section 34A.

(a) 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 section 34 if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance.

(b) 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 section 34 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.

(c) 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 pursuant to the Controlled Substance Act.

(d) A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for being in possession of a controlled

17 substance pursuant to the provisions of section 35 if the evidence for the charge of being in
18 possession of a controlled substance was gained as a result of the seeking of medical assistance.

19 (e) A person who experiences a drug related overdose and is in need of medical
20 assistance shall not be charged or prosecuted for being in possession of a controlled substance
21 pursuant to section 35 if the evidence for the charge of being in possession of a controlled
22 substance was gained as a result of the overdose and the need for medical assistance.

23 (f) Nothing contained herein shall prevent anyone from being charged with
24 trafficking, distribution, and/or possession of a controlled substance with intent to distribute.