

HOUSE No. 1653

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 bill:

An Act Relating to Controlled Substances and Medical Treatment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	14th Norfolk
Kay Khan	11th Middlesex
John W. Scibak	2nd Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

1 SECTION 1. Chapter 94C of the General Laws, as appearing the 2006 official Edition, is hereby
2 amended by inserting the following section:

3 Section 34A.

4 (a) A person who, in good faith, seeks medical assistance for someone experiencing a drug-related
5 overdose shall not be charged or prosecuted for possession of a controlled substance pursuant
6 to the provisions of section 34 if the evidence for the charge of possession of a controlled
7 substance was gained as a result of the seeking of medical assistance

8 (b) A person who experiences a drug related overdose and is in need of medical assistance shall not
9 be charged or prosecuted for possession of a controlled substance pursuant to section 34 if the
10 evidence for the charge of possession of a controlled substance was gained as a result of the
11 overdose and the need for medical assistance.

12 (c) The act of seeking medical assistance for someone who is experiencing a drug related overdose
13 may be used as a mitigating factor in a criminal prosecution pursuant to the Controlled
14 Substance Act.