

SENATE No. 111

The Commonwealth of Massachusetts

PRESENTED BY:

Eileen M. Donoghue

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 adoption of the accompanying bill:

An Act providing immunity for individuals under age 21 seeking medical assistance for an alcohol-related overdose.

PETITION OF:

NAME:

Eileen M. Donoghue

DISTRICT/ADDRESS:

First Middlesex

SENATE No. 111

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 111) of Eileen M. Donoghue for legislation to provide immunity for individuals under age 21 seeking medical assistance for an alcohol-related overdose. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act providing immunity for individuals under age 21 seeking medical assistance for an alcohol-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:

1 Chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by inserting after section 34A the following section:

3 Section 34AA. Immunity from prosecution under Sections 34 or 34A for persons under
4 21 years of age seeking medical assistance for an alcohol-related overdose

5 (a) As used in this section, the following word shall, unless the context clearly requires
6 otherwise, have the following meaning:-

7 “Alcohol-related overdose”, an acute condition, including, but not limited to, extreme
8 physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death,
9 resulting from the consumption or use of alcohol or that a layperson would reasonably believe to
10 be resulting from the consumption or use of alcohol for which medical assistance is required.

11 (b) A person under 21 years of age who, in good faith, seeks medical assistance for
12 someone experiencing an alcohol-related overdose shall not be charged or prosecuted under
13 sections 34 or 34A if the evidence for the charge of purchase or possession of alcohol was gained
14 as a result of the seeking of medical assistance.

15 (c) A person under 21 years of age who experiences an alcohol-related overdose and is in
16 need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of
17 such a good faith request for medical assistance, shall not be charged or prosecuted under
18 sections 34 or 34A if the evidence for the charge of purchase or possession of alcohol was gained
19 as a result of the overdose and the need for medical assistance.