

SENATE No. 1544

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 relative to medical civil rights.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 1544

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1544) of William N. Brownsberger for legislation relative to medical civil rights. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to medical civil rights.

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 276 is hereby amended by adding the following new section:-

2 Section 33 ½.

3 (a) Definitions:

4 1. “Emergency medical condition” a medical condition, whether physical,
5 behavioral, related to a substance use disorder or mental, manifesting itself by symptoms of
6 sufficient severity, including severe pain, that the absence of prompt medical attention could
7 reasonably be expected by a prudent layperson who possesses an average knowledge of health
8 and medicine to result in placing the health of the person or another person in serious jeopardy,
9 serious impairment to body function or serious dysfunction of any body organ or part or, with
10 respect to a pregnant woman.

11 2. “Law enforcement agency”, (i) a state, county, municipal or district law
12 enforcement agency, including, but not limited to: a city, town or district police department, the
13 office of environmental law enforcement, the University of Massachusetts police department, the
14 department of the state police, the Massachusetts Port Authority police department, also known
15 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
16 Authority police department; (ii) a sheriff’s department in its performance of police duties and
17 functions; or (iii) a public or private college, university or other educational institution or
18 hospital police department.

19 3. “Law enforcement officer” or “officer”, any officer of an agency, including the
20 head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of
21 chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police
22 duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37
23 performing police duties and functions; a constable executing an arrest for any reason; or any
24 other special, reserve or intermittent police officer.

25 4. “Medically unstable,” any condition, whether physical, behavioral, related to
26 substance use or mental health disorders, that manifests in an unstable medical or mental health
27 status, which could reasonably be understood by a layperson to lead to an emergency medical
28 condition.

29 (b) While under the custody or control of a law enforcement officer, any person who
30 experiences an emergency medical condition or is medically unstable shall have the right to be
31 provided with emergency medical services.

32 (c) Law enforcement officers shall request emergency medical services for any
33 person under their custody or control who has 1) communicated that they are experiencing an
34 emergency medical condition, 2) reasonably appears to a law enforcement officer to be
35 experiencing an emergency medical condition, or 3) has been observed by a law enforcement
36 officer or communicated to a law enforcement officer to be deteriorating such that they are
37 medically unstable.

38 (d) Law enforcement officers shall be required immediately to fulfill their duty, per
39 paragraphs (b) and (c) of this section, of providing emergency medical services only upon their
40 observation of this medical need or upon communication by the individual under their custody or
41 control.