

SENATE No. 752

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 requiring the parental notice of the treatment of minors for drug overdoses.

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01139 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REQUIRING THE PARENTAL NOTICE OF THE TREATMENT OF MINORS FOR DRUG
OVERDOSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to
require parental notice of a drug overdose of a minor, therefore, it is hereby declared to be an
emergency law, necessary for the immediate preservation of the public convenience.

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.** Section 12F of chapter 112 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out, in lines 37 and 38, the words “minor or a
3 proper judicial order” and inserting in place thereof the following words:- minor, a proper
4 judicial order or in case of treatment for a drug overdose, as defined by department of public
5 health regulation.

6 **SECTION 2.** Said chapter 112, as so appearing, is hereby further amended by inserting
7 after section 12F the following section:- Section 12F ½ . Any physician or hospital that treats a
8 person 17 years of age or younger for a drug overdose, as defined by department of public health
9 regulation, shall notify the minor’s parents or legal guardians of the overdose as part of the

10 discharge planning process for the minor. The notification shall only be made in a meeting
11 including the treating clinician and the minor's parents or guardian. The treating clinician shall
12 provide the parents or legal guardians with the current contact information for the bureau of
13 substance abuse services within the department of public health and the substance abuse hotline
14 operated by the department of public health.

15 **SECTION 3.** The department of public health will design a pamphlet to be distributed in
16 emergency rooms to parents or guardians of a person 17 years of age or younger who is treated
17 for a non-fatal overdose. Said pamphlet shall include, but not be limited to: information on how
18 treatment can help, information on what a parent can do to prevent future overdoses, and
19 information on where the patient can go to get treatment.

20 **SECTION 4.** Within 60 days of the effective date of this act, the department of public
21 health shall promulgate a regulation defining the words "drug overdose".

22 **SECTION 5.** Sections 1, 2, and 3 shall take effect 90 days from passage.