

**SENATE . . . . . No. 901**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joan B. Lovely***

*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 promoting access to emergency medical services for minors.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:                     |                  |
|-----------------------------|---------------------------------------|------------------|
| <i>Joan B. Lovely</i>       | <i>Second Essex</i>                   |                  |
| <i>Richard J. Ross</i>      | <i>Norfolk, Bristol and Middlesex</i> | <i>1/25/2017</i> |
| <i>Paul Tucker</i>          | <i>7th Essex</i>                      | <i>1/30/2017</i> |
| <i>James B. Eldridge</i>    | <i>Middlesex and Worcester</i>        | <i>2/1/2017</i>  |
| <i>Kay Khan</i>             | <i>11th Middlesex</i>                 | <i>2/1/2017</i>  |
| <i>John F. Keenan</i>       | <i>Norfolk and Plymouth</i>           | <i>2/1/2017</i>  |
| <i>Julian Cyr</i>           | <i>Cape and Islands</i>               | <i>2/2/2017</i>  |
| <i>Mary S. Keefe</i>        | <i>15th Worcester</i>                 | <i>2/2/2017</i>  |
| <i>Sal N. DiDomenico</i>    | <i>Middlesex and Suffolk</i>          | <i>2/3/2017</i>  |
| <i>Paul R. Heroux</i>       | <i>2nd Bristol</i>                    | <i>2/3/2017</i>  |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i>     | <i>2/3/2017</i>  |

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 901) of Joan B. Lovely, Richard J. Ross, Paul Tucker, James B. Eldridge and other members of the General Court for legislation to promote access to emergency medical services for minors. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act promoting access to emergency medical services for minors.

*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 is hereby amended by inserting after section 34D the  
2 following section:-

3 34E. SAFE REPORTING OF OVERDOSES.

4 a. As used in this section, the following words shall have the following meanings unless  
5 the context clearly requires otherwise:

6 "overdose", a life-threatening condition resulting from the consumption or use of a  
7 controlled substance, alcohol, or any combination of such substances.

8 b. It shall be an affirmative defense to prosecution of an individual for the unlawful  
9 purchase, possession, transport, or consumption of alcohol pursuant to Sections 34A and 34C of  
10 Chapter 138 of the General Laws if:

11           1. Such individual, in good faith, seeks or obtains emergency medical attention for  
12 himself, if he is experiencing an overdose, or for another individual, if such other individual is  
13 experiencing an overdose, by contemporaneously reporting such overdose to a firefighter,  
14 emergency medical services personnel, a law-enforcement officer, or an emergency 911 system;

15           2. Such individual remains at the scene of the overdose or at any alternative location to  
16 which he or the person requiring emergency medical attention has been transported until a law-  
17 enforcement officer responds to the report of an overdose. If no law-enforcement officer is  
18 present at the scene of the overdose or at the alternative location, then such individual shall  
19 cooperate with law enforcement as otherwise set forth herein;

20           3. Such individual identifies himself to the law-enforcement officer who responds to the  
21 report of the overdose;

22           4. If requested by a law-enforcement officer, such individual substantially cooperates in  
23 any investigation of any criminal offense reasonably related to the controlled substance, alcohol,  
24 or combination of such substances that resulted in the overdose; and

25           5. The evidence for the prosecution of an offense enumerated in this subsection was  
26 obtained as a result of the individual seeking or obtaining emergency medical attention.

27           c. No individual may assert the affirmative defense provided for in this section if the  
28 person sought or obtained emergency medical attention for himself or another individual during  
29 the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

30           d. This section does not establish an affirmative defense for any individual or offense  
31 other than those listed in subsection b.