SENATE DOCKET, NO. 1415 FILED ON: 1/21/2011

SENATE . . . . . No. 907

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:

An Act to reduce opioid overdose deaths..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Tolman	☐ *[District]* ☐
Linda Dorcena Forry	*12th Suffolk*
Patricia D. Jehlen	☐ *[District]* ☐
Denise Provost	*27th Middlesex*
John Hart, Jr.	☐ *[District]* ☐
James J. O'Day	*14th Worcester*
William N. Brownsberger	☐ *[District]* ☐
Jennifer L. Flanagan	☐ *[District]* ☐

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By Mr. Tolman, a petition (accompanied by bill, Senate, No. 907) of Steven A. Tolman, Linda Dorcena Forry, Patricia D. Jehlen, Denise Provost and other members of the General Court for legislation to reduce opioid overdoes deaths. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1843* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to reduce opioid overdose deaths..

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

SECTION 1. Chapter 94C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following section:

Section 34A.

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

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

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

(d) A person acting in good faith may receive a naloxone prescription, possess naloxone, and administer naloxone to an individual appearing to experience an opiate-related overdose.

17 SECTION 2. Chapter 94C, section 19, of the General Laws, as appearing in the 2008
18 Official Edition, is hereby amended by adding after subsection (c) the following subsection:

19 (d) Naloxone or other opioid antagonist may lawfully be prescribed and dispensed to a
20 person at risk of experiencing an opiate-related overdose or a family member, friend or other
21 person in a position to assist a person at risk of experiencing an opiate-related overdose. For
22 purposes of this chapter and chapter 112, any such prescription shall be regarded as being issued
23 for a legitimate medical purpose in the usual course of professional practice.