

HOUSE No. 3910

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 protection of persons seeking treatment for substance addiction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Carole Fiola</i>	<i>6th Bristol</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>

William Smitty Pignatelli

4th Berkshire

HOUSE No. 3910

By Ms. Cronin of Easton, a petition (subject to Joint Rule 12) of Claire D. Cronin relative to the penalty for illegal sales of controlled substances in the vicinity of premises providing services for substance addiction. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to protection of persons seeking treatment for substance addiction.

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. The General Court finds and declares the following:

2 (1) an effective, comprehensive approach to combating drug crimes and substance abuse
3 must include substantial education and prevention strategies, strong criminal enforcement of the
4 drug laws, and sufficient treatment and recovery options and resources. This act focuses
5 primarily on one aspect of such an approach, criminal enforcement of those who seek to illegally
6 prey on persons seeking treatment or services for substance abuse, yet the General Court is
7 committed to a coordinated plan which includes substantial resources in prevention, treatment,
8 and recovery as well, in order to provide the best possible strategy to combat illegal drug use in
9 Massachusetts;

10 (2) this act is directed at the entrepreneurial drug dealers who traffic in illegal drugs for
11 profit. Such persons pose a threat to the health and safety of residents of the commonwealth
12 seeking treatment and should be subject to heightened criminal penalties for their activities; and

13 (3) the sale of illegal controlled substances to persons seeking treatment and services for
14 substance addiction is a predatory and insidious practice. Providing enhanced penalties for the
15 intentional sale of illegal drugs to persons seeking treatment sends a strong and clear message
16 that the General Court will not tolerate such practices and may serve as a deterrent to those who
17 would prey on people seeking treatment.

18 SECTION 2. Chapter 94C of the General Laws is hereby amended by inserting after
19 section 32J the following section:-

20 Section 32J¹/₂. (a) Whoever unlawfully sells or distributes a controlled substance to any
21 person, within 300 feet of the real property comprising a treatment service or program, in
22 addition to any other penalty, shall be imprisoned in state prison for not more than 10 years.

23 (b) For the purposes of this section the term “treatment service or program” shall mean
24 services or programs for the care, treatment or rehabilitation of substance dependent persons, or
25 persons in need of assistance due to the use of a dependency related substance, including, but not
26 limited to, alcoholics anonymous, narcotics anonymous, medical, psychiatric, psychological,
27 vocational, educational, or recreational services or programs.