

HOUSE No. 1653

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relating to Controlled Substances and Medical Treatment..

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 94C of the General Laws, as appearing the 2006 official Edition, is
2 hereby amended by inserting the following section:

3 Section 34A.

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

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

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