

HOUSE No. 4959

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

Resolve providing for an investigation and study by a special commission relative to certain legal protections for persons seeking emergency medical care for a drug overdose..

1 **Resolved**, That a special commission is hereby established for the purposes of making an
2 investigation and study relative to the social and human benefits of providing certain legal
3 protections to a person, acting in good faith, who seeks emergency medical care for himself or
4 another person when there is reason to believe that he or the other person is experiencing a drug-
5 related overdose. The commission shall examine what benefits come from prohibiting any
6 charge or prosecution for possession of a controlled substance from evidence obtained as a result
7 of seeking that medical assistance. The commission shall consider benefits including, but not
8 limited to, the willingness of persons who abuse such substances to come forward and seek
9 medical attention; the potential to stop substance abuse, particularly the epidemic of opiate
10 abuse, including OxyContin and other prescription and illicit drugs including, but not limited to,
11 Duragesic, Klonopin, Methadone, Morphine, Vicodin, as well as their generic equivalents, and
12 cocaine, heroin, GHB, and MDMA; and the potential to promote recovery, to protect families
13 and children who may be profoundly impacted by such abuse, and to save lives.

14 The commission shall consist of 12 members, including: 3 members of the house of
15 representatives, 1 of whom shall be appointed by the speaker of the house of representatives as

16 co-chair and 1 of whom shall be appointed by the minority leader; 3 members of the senate, 1 of
17 whom shall be appointed by the president of the senate as co-chair and 1 of whom shall be
18 appointed by the minority leader; the commissioner of public health or a designee; the
19 commissioner of mental health or a designee; a designee of the Massachusetts Chiefs of Police
20 Association; and 3 persons appointed by the governor, one of whom shall be a relative of a
21 person who has died from a drug overdose.

22 All appointments shall be made not later than 30 days after the effective date of this
23 resolve. The chairpersons shall meet with the commission not later than 60 days after the
24 effective date of this resolve.

25 Not later than June 30, 2011, the commission shall report to the general court the result of
26 its investigation and study and its recommendations, if any, together with drafts of legislation
27 necessary to carry its recommendations into effect by filing the same with the clerk of the house
28 of representatives who shall forward the same to the joint committee on mental health and
29 substance abuse, the joint committee on public health and the joint committee on the judiciary.