

SENATE No. 1843

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 Chapter 112 of the General Laws, as appearing in the 2006 Official Edition, hereby
2 amended by inserting after section 12CC the following section:

3 12DD: Notwithstanding any general or special law to the contrary,

4 Any person, who in good faith, seeks medical assistance for someone who is or there is
5 reason to believe is experiencing a drug-related overdose shall not be charged or prosecuted for
6 possession of a controlled substance, pursuant to the Controlled Substances Act, M.G.L c. 94C,
7 if the evidence for the charge of or prosecution for possession of a controlled substance was
8 obtained as a result of the seeking of medical assistance;

9 Any person who experiences or has reason to believe he or she is experiencing a drug-
10 related overdose and is in need of medical assistance shall not be charged or prosecuted for
11 possession of a controlled substance, pursuant to the Controlled Substances Act, M.G.L. c. 94C,
12 if the evidence for the charge of or prosecution for possession of a controlled substance was
13 obtained as a result of the seeking of medical assistance;

14 Nothing in this section shall prohibit a charge or prosecution for possession with intent to
15 manufacture, distribute or dispense a controlled substance or the entry of a plea or verdict of
16 guilty for possession of a controlled substance as a lesser-included offense of a complaint or
17 indictment charging possession of a controlled substance with intent to manufacture, distribute,
18 or dispense. The act of seeking medical assistance for someone who is or there is reason to
19 believe is experiencing a drug-related overdose shall be admissible as evidence in a criminal
20 prosecution pursuant to the Controlled Substances Act, M.G.L. c. 94C, if the evidence for the
21 charge or prosecution was obtained as a result of the seeking of medical assistance.