

**HOUSE . . . . . No. 2256**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Alice Hanlon Peisch***

*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 relating to controlled substances and medical treatment.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/21/2011</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	<i>1/31/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/3/2011</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/3/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/4/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/4/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>

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By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2256) of Alice Hanlon Peisch and others relative to prohibiting the prosecution of persons seeking medical assistance for the costs of drug-related overdoses. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1653 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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 2008 Official Edition,  
2 is hereby amended by inserting the following section:

3           Section 34A.

4           (a)     A person who, in good faith, seeks medical assistance for someone experiencing a  
5 drug-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           (b)     A person who experiences a drug related overdose and is in need of medical  
9 assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to

10 section 34 if the evidence for the charge of possession of a controlled substance was gained as a  
11 result of the overdose and the need for medical assistance.

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

15 (d) A person who, in good faith, seeks medical assistance for someone experiencing a  
16 drug-related overdose shall not be charged or prosecuted for being in possession of a controlled  
17 substance pursuant to the provisions of section 35 if the evidence for the charge of being in  
18 possession of a controlled substance was gained as a result of the seeking of medical assistance.

19 (e) A person who experiences a drug related overdose and is in need of medical  
20 assistance shall not be charged or prosecuted for being in possession of a controlled substance  
21 pursuant to section 35 if the evidence for the charge of being in possession of a controlled  
22 substance was gained as a result of the overdose and the need for medical assistance.

23 (f) Nothing contained herein shall prevent anyone from being charged with  
24 trafficking, distribution, and/or possession of a controlled substance with intent to distribute.