

HOUSE No. 3468

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Louis L. Kafka

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 preventing death by drug overdose.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|------------------------------------|-------------------|
| <i>William C. Galvin</i> | <i>6th Norfolk</i> | <i>1/15/2015</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>1/20/2015</i> |
| <i>Brian R. Mannal</i> | <i>2nd Barnstable</i> | <i>1/21/2015</i> |
| <i>Thomas P. Kennedy</i> | <i>Second Plymouth and Bristol</i> | <i>1/31/2015</i> |
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> | <i>1/26/2015</i> |
| <i>Claire D. Cronin</i> | <i>11th Plymouth</i> | <i>12/30/2019</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>12/30/2019</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> | <i>12/30/2019</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> | <i>12/30/2019</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> | <i>12/30/2019</i> |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> | <i>12/30/2019</i> |
| <i>Susannah M. Whipps Lee</i> | <i>2nd Franklin</i> | <i>12/30/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>12/30/2019</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> | <i>12/30/2019</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>12/30/2019</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>12/30/2019</i> |
| <i>Walter F. Timilty</i> | <i>7th Norfolk</i> | <i>12/30/2019</i> |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> | <i>12/30/2019</i> |

Randy Hunt
Kay Khan

5th Barnstable
11th Middlesex

12/30/2019
12/30/2019

HOUSE No. 3468

By Messrs. Galvin of Canton and Kafka of Stoughton, a petition (accompanied by bill, House, No. 3468) of William C. Galvin, Louis L. Kafka and others for legislation to authorize emergency medical technicians to restrain patients who present immediate or serious threats of bodily harm to themselves or others. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to preventing death by drug overdose.

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 111C of the General Laws is hereby amended by striking out
2 section 18, as appearing in the 2012 Official Edition, and inserting in place thereof the following
3 2 sections:

4 Section 18. Subject to regulations and guidelines promulgated by the department, an
5 emergency medical technician may restrain a patient who presents an immediate or serious threat
6 of bodily harm to himself or others. Upon request by an EMT, a law enforcement official shall
7 assist in the restraint of a patient. The minimum necessary restraint shall be used. Any such
8 restraint shall be noted in the written report of said emergency medical technician.

9 Section 18A. If a law enforcement official, firefighter or EMS personnel administers an
10 opioid antagonist, as defined in section 19B of chapter 94B, to a person suffering from an
11 apparent drug overdose, such person shall be transported, with or without the person’s consent,

12 by ambulance to a hospital for monitoring, observation and possible treatment until such time as
13 the treating physician determines that the overdose has been reversed and the person is not in
14 imminent danger. Law enforcement officials or EMS personnel may restrain a person transported
15 pursuant to this section in accordance with the provisions of section 18. If a law enforcement
16 official reasonably believes that his or her safety or the safety of other persons present so
17 requires, the officer may search the person and the immediate surroundings, but only to the
18 extent necessary to discover and seize any dangerous weapons which may on that occasion be
19 used against the officer or other person present.

20 SECTION 2. Said chapter 111C is hereby further amended by striking out section 21, as
21 so appearing, and inserting in place thereof the following section:-

22 Section 21. No EMS personnel certified, accredited or otherwise approved under this
23 chapter, and no additional personnel certified or authorized under section 9, who in the
24 performance of their duties and in good faith render emergency first aid, cardiopulmonary
25 resuscitation, transportation, including the transportation of a person suffering from an apparent
26 drug overdose pursuant to section 18A, or other EMS, to an injured person or to a person
27 incapacitated by illness shall be personally liable as a result of rendering such aid or services or,
28 in the case of an emergency medical technician or additional personnel, as a result of
29 transporting such person to a hospital or other health care facility, nor shall they be liable to a
30 hospital for its expenses if, under emergency conditions, including expenses incurred in
31 monitoring, observing or treating a person pursuant to section 18A, they cause the admission of
32 such person to said hospital.

33 SECTION 3. Chapter 112 of the General Laws is hereby amended by striking out section
34 12V, as amended by chapter 38 of section 2014, and inserting in place thereof the following
35 section:-

36 Section 12V. Any person who, in good faith, attempts to render emergency care
37 including, but not limited to, cardiopulmonary resuscitation, defibrillation, transport to a hospital,
38 or administration of an opioid antagonist, as defined in section 19B of chapter 94B, and does so
39 without compensation, shall not be liable for acts or omissions, other than gross negligence or
40 willful or wanton misconduct, resulting from the attempt to render such emergency care.