

HOUSE No. 3050

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and Joan B. Lovely

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 promoting access to emergency medical services for minors.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|------------------------------------|------------------|
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> | <i>1/20/2017</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>1/30/2017</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/3/2017</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> | <i>2/2/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/26/2017</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | <i>1/25/2017</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>2/2/2017</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>2/1/2017</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | <i>2/2/2017</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/30/2017</i> |
| <i>Kevin J. Kuros</i> | <i>8th Worcester</i> | <i>1/30/2017</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/25/2017</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/3/2017</i> |
| <i>Kathleen O'Connor Ives</i> | <i>First Essex</i> | <i>2/3/2017</i> |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | <i>1/24/2017</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/30/2017</i> |

HOUSE No. 3050

By Representative Ehrlich of Marblehead and Senator Lovely, a joint petition (accompanied by bill, House, No. 3050) of Lori A. Ehrlich and others relative to the reporting of overdoses of controlled substance, alcohol, or combination of such substances. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting access to emergency medical services for minors.

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 138 of the General Laws is hereby amended by inserting after section 34D the
2 following section:-

3 34E. SAFE REPORTING OF OVERDOSES.

4 a. As used in this section, the following words shall have the following meanings unless
5 the context clearly requires otherwise:

6 "overdose", a life-threatening condition resulting from the consumption or use of a
7 controlled substance, alcohol, or any combination of such substances.

8 b. It shall be an affirmative defense to prosecution of an individual for the unlawful
9 purchase,

10 possession, transport, or consumption of alcohol pursuant to Sections 34A and 34C of
11 Chapter 138 of the General Laws if:

12 1. Such individual, in good faith, seeks or obtains emergency medical attention for
13 himself, if he is experiencing an overdose, or for another individual, if such other individual is
14 experiencing an overdose, by contemporaneously reporting such overdose to a firefighter,
15 emergency medical services personnel, a law-enforcement officer, or an emergency 911 system;

16 2. Such individual remains at the scene of the overdose or at any alternative location to
17 which he or the person requiring emergency medical attention has been transported until a law-
18 enforcement officer responds to the report of an overdose. If no law-enforcement officer is
19 present at the scene of the overdose or at the alternative location, then such individual shall
20 cooperate with law enforcement as otherwise set forth herein;

21 3. Such individual identifies himself to the law-enforcement officer who responds to the
22 report of the overdose;

23 4. If requested by a law-enforcement officer, such individual substantially cooperates in
24 any investigation of any criminal offense reasonably related to the controlled substance, alcohol,
25 or combination of such substances that resulted in the overdose; and

26 5. The evidence for the prosecution of an offense enumerated in this subsection was
27 obtained as a result of the individual seeking or obtaining emergency medical attention.

28 c. No individual may assert the affirmative defense provided for in this section if the
29 person sought or obtained emergency medical attention for himself or another individual during
30 the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

31 d. This section does not establish an affirmative defense for any individual or offense
32 other than

those listed in subsection b.