

HOUSE No. 3591

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 police use of epinephrine autoinjectors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/20/2017</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Michael J. Finn</i>	<i>6th Hampden</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>4/10/2017</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>4/11/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>4/10/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>4/11/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	

<i>Kate D. Campanale</i>	<i>17th Worcester</i>	
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>4/12/2017</i>

HOUSE No. 3591

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 3591) of John H. Rogers and others relative to police use of epinephrine autoinjectors. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to police use of epinephrine autoinjectors.

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 94C of the General Laws is hereby amended by inserting, after section 34A, the
2 following section:-

3 Section 34B. (a) A police officer who, in good faith, seeks medical assistance for
4 someone experiencing an anaphylactic reaction shall not be charged or prosecuted for possession
5 of a controlled substance under sections 34 or 35 if the evidence for the charge of possession of a
6 controlled substance was gained as a result of the seeking of medical assistance.

7 (b) A person who experiences an anaphylactic reaction and is in need of medical
8 assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith
9 request for medical assistance, shall not be charged or prosecuted for possession of a controlled
10 substance under said sections 34 or 35 if the evidence for the charge of possession of a controlled
11 substance was gained as a result of the anaphylactic reaction and the need for medical assistance.

12 (c) The act of seeking medical assistance for someone who is experiencing an
13 anaphylactic reaction may be used as a mitigating factor in a criminal prosecution under the
14 Controlled Substance Act, 1970 P.L. 91-513, 21 U.S.C. section 801, et seq.

15 (d) Nothing contained in this section shall prevent anyone from being charged with
16 trafficking, distribution or possession of a controlled substance with intent to distribute.

17 (e) A police officer acting in good faith may receive an epinephrine autoinjector, possess
18 an epinephrine autoinjector and administer an epinephrine autoinjector to an individual
19 appearing to experience an anaphylactic reaction, and provided further that no police officer shall
20 be liable in a civil suit for damages as a result of any acts or omissions in providing or obtaining,
21 or attempting to provide or obtain, such assistance unless such acts or omissions constitute
22 willful, wanton or reckless conduct.