

**HOUSE . . . . . No. 907**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***James R. Miceli***

*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 providing immunity for individuals under age 21 seeking medical assistance for alcohol-related overdose.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>District Attorney Marian Ryan</i>	<i>The Middlesex District Attorney's Office 15 Commonwealth Ave. Woburn, MA 01801</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

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By Mr. Miceli of Wilmington, a petition (accompanied by bill, House, No. 907) of James R. Miceli and others relative to providing immunity for individuals under age 21 seeking medical assistance for alcohol-related overdoses. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act providing immunity for individuals under age 21 seeking medical assistance for alcohol-related 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 Chapter 138 of the General Laws is hereby amended by inserting after section 34A the  
2 following:

3 Section 34AA: Immunity from prosecution under Sections 34 or 34A for persons under  
4 twenty-one years of age seeking medical assistance for self or other experiencing alcohol-related  
5 overdose.

6 (a) For the purposes of this section, alcohol-related overdose means an acute  
7 condition, including, but not limited to, extreme physical illness, decreased level of  
8 consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or  
9 use of alcohol or that a layperson would reasonably believe to be resulting from the consumption  
10 or use of alcohol for which medical assistance is required.

11           (b)     A person under twenty-one years of age who, in good faith, seeks medical  
12 assistance for someone experiencing an alcohol-related overdose shall not be charged or  
13 prosecuted under sections 34 or 34A if the evidence for the charge of purchase or possession of  
14 alcohol was gained as a result of the seeking of medical assistance.

15           (c)     A person under twenty-one years of age who experiences an alcohol-related  
16 overdose and is in need of medical assistance and, in good faith, seeks such medical assistance,  
17 or is the subject of such a good faith request for medical assistance, shall not be charged or  
18 prosecuted under sections 34 or 34A if the evidence for the charge of purchase or possession of  
19 alcohol was gained as a result of the overdose and the need for medical assistance.