

**SENATE . . . . . No. 967**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 to provide a lifeline medical amnesty for persons under age 21.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:                     |                  |
|-----------------------------|---------------------------------------|------------------|
| <i>Bruce E. Tarr</i>        | <i>First Essex and Middlesex</i>      |                  |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i>        |                  |
| <i>Keiko M. Orrall</i>      | <i>12th Bristol</i>                   | <i>2/1/2017</i>  |
| <i>Richard J. Ross</i>      | <i>Norfolk, Bristol and Middlesex</i> | <i>2/28/2017</i> |

**SENATE . . . . . No. 967**

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 967) of Bruce E. Tarr, Jennifer L. Flanagan and Keiko M. Orrall for legislation to provide a lifeline medical amnesty for persons under age 21. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act to provide a lifeline medical amnesty for persons under age 21.

*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 84C of the General Laws is hereby amended by inserting after section 34A the  
2 following section:-

3 Section 34B: Immunity from prosecution under for persons under age 21 seeking medical  
4 assistance for self or other experiencing alcohol-related overdose

5 Section 34B. (a) A person under age 21 who, in good faith, seeks medical assistance for  
6 someone experiencing an alcohol-related overdose shall not be charged or prosecuted for  
7 possession of alcohol under Section 34C of Chapter 138 if the evidence for the charge of  
8 possession of alcohol was gained as a result of the seeking of medical assistance; provided, the  
9 adherence to the conditions of subsection (c).

10 (b) A person under age 21 who experiences an alcohol -related overdose and is in need  
11 of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a  
12 good faith request for medical assistance, shall not be charged or prosecuted under sections

13 Section 34C of Chapter 138 if the evidence for the charge of possession of alcohol was gained as  
14 a result of the overdose seeking of medical assistance; provided, the adherence to the conditions  
15 of subsection (c).

16 (c) A law enforcement officer, after making a reasonable determination and considering  
17 the facts and surrounding circumstances, reasonably believes that all of the following apply, (i)  
18 the person either requested medical assistance or acted in concert with another person who  
19 requested emergency medical assistance for an individual who reasonably appeared to be in need  
20 of medical assistance due to alcohol consumption; (ii) the person provided their full name and  
21 other relevant information requested by the law enforcement officer, and (iii) the person  
22 remained at the scene with the individual who reasonably appeared to be in need of medical  
23 assistance due to alcohol consumption until emergency medical assistance arrived and  
24 cooperated with emergency medical assistance personnel and law enforcement officers at the  
25 scene.

26 (d) Nothing in this section shall be construed to limit any seizure of evidence or  
27 contraband otherwise permitted by law. Nothing in this section shall be construed to limit or  
28 abridge the authority of a law enforcement officer to detain or take into custody a person in the  
29 course of an investigation or to effectuate an arrest for any offense.