

SENATE No. 967

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.