

HOUSE No. 1411

The Commonwealth of Massachusetts

PRESENTED BY:

Paul K. Frost

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 drug distribution causing death.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/18/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>1/31/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/1/2019</i>

HOUSE No. 1411

By Mr. Frost of Auburn, a petition (accompanied by bill, House, No. 1411) of Paul K. Frost, Shaunna L. O'Connell and Timothy R. Whelan relative to drug distribution causing death. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to drug distribution causing death.

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 265 of the General Laws is hereby amended by adding the following section:-

2 Section 59. Any person who, in violation of chapter 94C, manufactures, distributes, or
3 dispenses heroin, fentanyl, methamphetamine, lysergic acid diethylamide, phencyclidine (PCP)
4 or any other controlled substance in Class A, Class B, or Class C, as set forth at section 31 of
5 chapter 94C, is strictly liable for a death which results from the injection, inhalation or ingestion
6 of that substance, and shall be punished by imprisonment for life or for any term of years as the
7 court may order, and by a fine of not more than \$25,000; provided, however, that the sentence of
8 imprisonment imposed upon such person shall not be reduced to less than 5 years, nor
9 suspended, nor shall any such person be eligible for probation, parole or furlough or receive a
10 deduction from his or her sentence for good conduct until such person shall have served 5 years
11 of such sentence.

12 For purposes of this section, a person’s act of manufacturing, distributing, or dispensing a
13 substance is the cause of a death when:

14 (a) The injection, inhalation or ingestion of the substance is an antecedent but for which
15 the death would not have occurred; and

16 (b) The death was proximately caused by a person who manufactured, distributed, or
17 dispensed such substance.

18 It shall not be a defense to a prosecution under this section that the decedent contributed
19 to his or her own death by such decedent’s purposeful, knowing, reckless or negligent injection,
20 inhalation or ingestion of the substance or by such decedent’s consenting to the administration of
21 the substance by another. Nothing in this section shall be construed to preclude or limit any other
22 prosecution for homicide.