

HOUSE No. 1857

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>2/19/2021</i>

HOUSE No. 1857

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 1857) of John H. Rogers relative to police use of epinephrine autoinjectors. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1544 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.