

HOUSE No. 1869

The Commonwealth of Massachusetts

PRESENTED BY:

Jon Santiago

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 establishing medical civil rights.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|-----------------------|------------------|
| <i>Jon Santiago</i> | <i>9th Suffolk</i> | <i>2/11/2021</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>2/26/2021</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/26/2021</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/26/2021</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>2/26/2021</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>2/26/2021</i> |

HOUSE No. 1869

By Mr. Santiago of Boston, a petition (accompanied by bill, House, No. 1869) of Jon Santiago and others for legislation to establish medical civil rights. The Judiciary.

The Commonwealth of Massachusetts

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

An Act establishing medical civil rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 276 is hereby amended by adding the following new section:-

2 Section 33 ½.

3 (a) Definitions:

4 1. “Emergency medical condition” a medical condition, whether physical, behavioral,
5 related to a substance use disorder or mental, manifesting itself by symptoms of sufficient
6 severity, including severe pain, that the absence of prompt medical attention could reasonably be
7 expected by a prudent layperson who possesses an average knowledge of health and medicine to
8 result in placing the health of the person or another person in serious jeopardy, serious
9 impairment to body function or serious dysfunction of any body organ or part or, with respect to
10 a pregnant woman.

11 2. “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
12 agency, including, but not limited to: a city, town or district police department, the office of

13 environmental law enforcement, the University of Massachusetts police department, the
14 department of the state police, the Massachusetts Port Authority police department, also known
15 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
16 Authority police department; (ii) a sheriff's department in its performance of police duties and
17 functions; or (iii) a public or private college, university or other educational institution or
18 hospital police department.

19 3. "Law enforcement officer" or "officer", any officer of an agency, including the head of
20 the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter
21 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and
22 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police
23 duties and functions; a constable executing an arrest for any reason; or any other special, reserve
24 or intermittent police officer.

25 4. "Medically unstable," any condition, whether physical, behavioral, related to substance
26 use or mental health disorders, that manifests in an unstable medical or mental health status,
27 which could reasonably be understood by a layperson to lead to an emergency medical condition.

28 (b) While under the custody or control of a law enforcement officer, any person who
29 experiences an emergency medical condition or is medically unstable shall have the right to be
30 provided with emergency medical services.

31 (c) Law enforcement officers shall request emergency medical services for any person
32 under their custody or control who has 1) communicated that they are experiencing an
33 emergency medical condition, 2) reasonably appears to a law enforcement officer to be
34 experiencing an emergency medical condition, or 3) has been observed by a law enforcement

35 officer or communicated to a law enforcement officer to be deteriorating such that they are
36 medically unstable.

37 (d) Law enforcement officers shall be required immediately to fulfill their duty, per
38 paragraphs (b) and (c) of this section, of providing emergency medical services only upon their
39 observation of this medical need or upon communication by the individual under their custody or
40 control.