

HOUSE No. 1759

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>1/17/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2023</i>

HOUSE No. 1759

By Representative Santiago of Boston, a petition (accompanied by bill, House, No. 1759) of Jon Santiago and Kay Khan relative to establishing medical civil rights. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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,
5 behavioral, related to a substance use disorder or mental, manifesting itself by symptoms of
6 sufficient severity, including but not limited to severe pain, that the absence of prompt medical
7 attention could reasonably be expected by a prudent layperson who possesses an average
8 knowledge of health and medicine to result in placing the health of the person or another person
9 in serious jeopardy, serious impairment to body function or serious dysfunction of any body
10 organ or part or, with respect to a pregnant woman.

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

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

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

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

32 (c) Law enforcement officers shall immediately request emergency medical services
33 for any person with whom they are in contact or have under their custody or control, who has
34 communicated that they are experiencing an emergency medical condition or are medically

- 35 unstable; or who reasonably appear to a law enforcement officer to be experiencing an
- 36 emergency medical condition or are deteriorating such that they are medically unstable.