

SENATE No. 2458

The Commonwealth of Massachusetts

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

SENATE, October 10, 2023.

The committee on the Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 926) of Cynthia Stone Creem for legislation relative to fentanyl test strips; and (accompanied by bill, House, No. 1736) of David M. Rogers, Lindsay N. Sabadosa and David Henry Argosky LeBoeuf relative to fentanyl test strips, reports the accompanying bill (Senate, No. 2458).

For the committee,
James B. Eldridge

SENATE No. 2458

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An Act relative to fentanyl test strips.

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. Section 1 of chapter 94C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting, in line 188, at the end of the definition of "drug
3 paraphernalia" the following sentence:-

4 The term "drug paraphernalia" shall not include fentanyl test strips or any testing
5 equipment or devices solely used, intended for use, or designed to be used to determine whether
6 a substance contains fentanyl or its analogues.

7 SECTION 2. Said chapter 94C, as so appearing, is hereby further amended by inserting
8 after section 19E the following section:-

9 Section 19F. Any person who, in good faith provides, administers or utilizes fentanyl test
10 strips or any testing equipment or devices solely used, intended for use, or designed to be used to
11 determine whether a substance contains fentanyl or its analogues shall not, as a result of the
12 person's acts or omissions, be subject to any criminal or civil liability or any professional

- 13 disciplinary action; provided, however, that this section shall not apply to acts of gross
- 14 negligence or willful or wanton misconduct.