

SENATE No. 948

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 protections for good samaritans.

PETITION OF:

NAME:

Julian Cyr

DISTRICT/ADDRESS:

Cape and Islands

SENATE No. 948

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 948) of Julian Cyr for legislation relative to protections for good samaritans. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 990 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to protections for good samaritans.

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 34A of chapter 94C of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by adding, after subsection (e), the following new
3 subsections:-

4 (f) A person acting in good faith may provide, administer, or utilize a controlled
5 substance testing product to assist another person in determining whether a controlled substance
6 contains chemicals, toxic substances, or hazardous compounds. A person who, in good faith,
7 provides, administers, or utilizes a controlled substance testing product to assist another person
8 in determining whether a controlled substance contains chemicals, toxic substances, or hazardous
9 compounds shall not be charged or prosecuted for possession of a controlled substance under
10 section 34 if the evidence for the charge of possession of a controlled substance was gained as a

11 result of providing, administering, or utilizing a controlled substance testing product to provide
12 assistance to another person. Controlled substance testing products shall include, but not be
13 limited to, fentanyl test strips.

14 (g) Notwithstanding any general or special law or rule or regulation to the contrary, a
15 person acting in good faith to clinically monitor the consumption of pre-obtained controlled
16 substances for the purpose of reducing the risks of disease transmission and preventing overdose
17 deaths shall not be arrested, charged, or prosecuted for any criminal offense, including, but not
18 limited to, charges pursuant to sections 13, 32I, 34, 43 or 47 of chapter 94C of the General Laws,
19 or be subject to any civil or administrative penalty, including seizure or forfeiture of data
20 records, assets or property, or disciplinary action by a professional licensing board, credentialing
21 restriction, contractual liability, any action against clinical staff or other employment action, or
22 be denied any right or privilege.

23 SECTION 2. Section 32I of said chapter 94C is hereby amended by adding, after
24 subsection (d), the following new subsection:-

25 (e) This section shall not apply to supplies obtained at public health programs and
26 deemed necessary by the department.