

SENATE No. 1243

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 harm reduction and racial justice.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|-------------------------|------------------|
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | |
| <i>Liz Miranda</i> | <i>Second Suffolk</i> | <i>1/18/2023</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/7/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/22/2023</i> |

SENATE No. 1243

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1243) of Julian Cyr, Liz Miranda, Vanna Howard and Lindsay N. Sabadosa for legislation relative to harm reduction and racial justice. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1277 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to harm reduction and racial justice.

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 striking out section 34, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 34. No person knowingly or intentionally shall possess a controlled substance
4 unless such substance was obtained directly, or pursuant to a valid prescription or order, from a
5 practitioner while acting in the course of his professional practice, or except as otherwise
6 authorized by the provisions of this chapter. Except as provided in Section 32L of this Chapter,
7 any person who violates this section shall be subject to a civil fine of not more than fifty dollars
8 or participation in a needs screening to identify health and other service needs, including but not
9 limited to services that may address any substance use disorder and mental health conditions,
10 lack of employment, housing, or food, and any need for civil legal services. The screening

11 should prioritize the individual's self-identified needs for referral to appropriate services. The
12 screening shall be conducted by individuals trained in the use of evidence-based, culturally and
13 gender competent trauma-informed practices. Upon verification that the person has completed
14 the screening within forty-five days of when the fine was imposed, the fine imposed by this
15 section shall be waived and the citation dismissed. Completion of the screening shall not be
16 deemed an admission of any kind and no legal findings shall be made based on the issued
17 citation. Failure to pay the fine shall not be the basis for further penalties or for a term of
18 incarceration.