HOUSE DOCKET, NO. 1559 FILED ON: 1/15/2025

HOUSE . . . . . No. 1962

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 police use of epinephrine autoinjectors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John H. Rogers	*12th Norfolk*	*1/15/2025*
Bud L. Williams	*11th Hampden*	*4/30/2025*
Susannah M. Whipps	*2nd Franklin*	*4/30/2025*
Christopher Richard Flanagan	*1st Barnstable*	*4/30/2025*
Marc T. Lombardo	*22nd Middlesex*	*4/30/2025*
Natalie M. Higgins	*4th Worcester*	*4/30/2025*
Marcus S. Vaughn	*9th Norfolk*	*4/30/2025*
James C. Arena-DeRosa	*8th Middlesex*	*4/30/2025*
Carmine Lawrence Gentile	*13th Middlesex*	*4/30/2025*
Samantha Montaño	*15th Suffolk*	*4/30/2025*
Patrick Joseph Kearney	*4th Plymouth*	*4/30/2025*
James B. Eldridge	*Middlesex and Worcester*	*6/17/2025*
Thomas W. Moakley	*Barnstable, Dukes and Nantucket*	*7/14/2025*
Greg Schwartz	*12th Middlesex*	*7/14/2025*

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HOUSE . . . . . No. 1962

By Representative Rogers of Norwood, a petition (accompanied by bill, House, No. 1962) of John H. Rogers relative to police use of epinephrine autoinjectors. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to police use of epinephrine autoinjectors.

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

Chapter 94C of the General Laws is hereby amended by inserting, after section 34A, the following section:-

Section 34B. (a) A police officer who, in good faith, seeks medical assistance for someone experiencing an anaphylactic reaction shall not be charged or prosecuted for possession of a controlled substance under sections 34 or 35 if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance.

(b) A person who experiences an anaphylactic reaction and is in need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance, shall not be charged or prosecuted for possession of a controlled substance under said sections 34 or 35 if the evidence for the charge of possession of a controlled substance was gained as a result of the anaphylactic reaction and the need for medical assistance.

(c) The act of seeking medical assistance for someone who is experiencing an anaphylactic reaction may be used as a mitigating factor in a criminal prosecution under the Controlled Substance Act,1970 P.L. 91–513, 21 U.S.C. section 801, et seq.

(d) Nothing contained in this section shall prevent anyone from being charged with trafficking, distribution or possession of a controlled substance with intent to distribute.

(e) A police officer acting in good faith may receive an epinephrine autoinjector, possess an epinephrine autoinjector and administer an epinephrine autoinjector to an individual appearing to experience an anaphylactic reaction, and provided further that no police office shall be liable in a civil suit for damages as a result of any acts or omissions in providing or obtaining, or attempting to provide or obtain, such assistance unless such acts or omissions constitute willful, wanton or reckless conduct.