

## The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

*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:	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>10/2/2025</i>

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1230) of Patrick M. O'Connor for legislation to establish medical civil rights. The Judiciary.

## The Commonwealth of Massachusetts

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

## 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 Chapter 276 is hereby amended by adding the following new section:-

## 2 Section 33 ½.

### 3 (1) Definitions:

10 (b) "Medically unstable," any condition, whether physical, behavioral, or related to  
11 substance use or mental health disorders, that manifests in an unstable medical or mental health

12 status, which could reasonably be understood by a prudent layperson to lead to an emergency  
13 medical condition.

14 (c) "Law enforcement agency", (i) a state, county, municipal or district law enforcement  
15 agency, including, but not limited to: a city, town or district police department, the office of  
16 environmental law enforcement, the University of Massachusetts police department, the  
17 department of the state police, the Massachusetts Port Authority police department, also known  
18 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation  
19 Authority police department; (ii) a sheriff's department in its performance of police duties and  
20 functions; or (iii) a public or private college, university or other educational institution or  
21 hospital police department.

22 (d) "Law enforcement officer" or "officer", any officer of an agency, including the head  
23 of the agency; a special state police officer appointed pursuant to section 58 or section 63 of  
24 chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police  
25 duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37  
26 performing police duties and functions; a constable executing an arrest for any reason; or any  
27 other special, reserve or intermittent police officer.

28 (e) "Correctional officer", any officer with supervisory, custodial, or other control  
29 responsibilities within a correctional agency.

30 (f) "Correctional agency", the Department of Corrections, a House of Corrections, or a  
31 jail.

32 (g) "Medical personnel", any person licensed to provide health care, including but not  
33 limited to an emergency medical technician, physician or nurse.

34 (2)Any person who experiences an emergency medical condition or is medically unstable  
35 while in direct audio or visual contact with, or under the custody or control of, a law enforcement  
36 or correctional officer shall have the right to be provided with emergency medical services.

37 (3) Except as provided in subsection (4) of this section, a law enforcement or correctional  
38 officer shall immediately request emergency medical services for any person who is under such  
39 officer's custody or control or otherwise in direct audio or visual contact with the officer when  
40 such person: (1) Has communicated to the officer that the person is (A) experiencing an  
41 emergency medical condition, or (B) medically unstable, or (2) has been reasonably observed by  
42 the officer to be (A) experiencing an emergency medical condition, or (B) medically unstable.

43 (4) A law enforcement or correctional officer shall not be required to request emergency  
44 medical services when such officer (1) has made a reasonable determination that the person is  
45 not (A) experiencing an emergency medical condition, or (B) medically unstable, and (2) knows  
46 that such person has been seen by a medical professional within the previous twenty-four hours  
47 and was released from such medical professional's care after a determination that such person  
48 was not (A) experiencing an emergency medical condition, or (B) medically unstable.

49 (5) In circumstances where medical personnel and law enforcement or correctional  
50 officers are simultaneously involved, a law enforcement or correctional officer shall immediately  
51 allow medical personnel to commence treatment for any person who is under such officer's  
52 custody or control when such person: (1) Has communicated to the officer that the person is (A)  
53 experiencing an emergency medical condition, or (B) medically unstable, or (2) has been  
54 reasonably observed by the officer to be (A) experiencing an emergency medical condition, or  
55 (B) medically unstable.