SENATE DOCKET, NO. 1606 FILED ON: 1/16/2025

SENATE . . . . . No. 1230

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

SENATE DOCKET, NO. 1606 FILED ON: 1/16/2025

SENATE . . . . . No. 1230

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:

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

Section 33 ½.

(1) Definitions:

(a) "Emergency medical condition" a medical condition, whether physical, behavioral, related to a substance use disorder, or mental, manifesting itself by symptoms of sufficient severity, including but not limited to severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in placing the health of the person or another person in serious jeopardy, serious impairment to body function or serious dysfunction of any body organ or part.

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

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

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

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

(e) “Correctional officer”, any officer with supervisory, custodial, or other control responsibilities within a correctional agency.

(f) “Correctional agency”, the Department of Corrections, a House of Corrections, or a jail.

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

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

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

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

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