

**SENATE . . . . . No. 1391**

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**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>3/21/2025</i> |
| <i>Adam Gómez</i>      | <i>Hampden</i>          | <i>3/31/2025</i> |
| <i>Jason M. Lewis</i>  | <i>Fifth Middlesex</i>  | <i>4/16/2025</i> |
| <i>Pavel M. Payano</i> | <i>First Essex</i>      | <i>6/29/2025</i> |

**SENATE . . . . . No. 1391**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1391) of Julian Cyr for legislation relative to harm reduction and racial justice. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1243 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

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           SECTION 1. (a) Chapter 94C of the General Laws is hereby amended by striking out  
2 section 34, as

3           appearing in 2022 Official Edition, and inserting in place thereof the following section:-

4           Section 34: No person knowingly or intentionally shall possess a controlled substance  
5 unless such substance was obtained directly, or pursuant to a valid prescription or order, from a  
6 practitioner while acting in the course of his professional practice, or except as otherwise  
7 authorized by the provisions of this chapter. Except as provided in Section 32L of this Chapter,  
8 any person who violates this section shall be subjected to receiving a written list of resources in  
9 lieu of a citation.

10 (b) Except as provided in subdivision (c) of this section, in any criminal proceeding, no  
11 finding or determination of reasonable cause to believe a crime has been committed shall be  
12 based solely on evidence of the use or possession of a controlled substance.

13 (c) Paragraph (b) shall not apply when a law enforcement officer is investigating whether  
14 a person is operating a motor vehicle while impaired by drugs in violation of section 22 of  
15 chapter 90.

16 SECTION 2. Section 32L of chapter 94C of the General Laws is hereby repealed

17 SECTION 3. Section 40 of said chapter 94C is hereby repealed

18 SECTION 4. Chapter 278 of the General Laws is hereby amended by adding after section  
19 28E of the

20 following section:-

21 28F. Motion for resentencing; persons convicted of controlled substance offenses

22 (a) When a person is serving a sentence for a conviction in this state, whether by trial  
23 verdict or guilty plea, under Chapter 94C, section 32, including conspiracy to commit such an  
24 offense, prior to enactment of this act and such persons' conduct as alleged in the accusatory  
25 instrument or shown by the guilty plea or trial verdict would not have been a crime under the  
26 same Chapter on or after enactment of this act, then the chief justice of the trial court shall, in  
27 accordance with this section, automatically

28 vacate, dismiss and expunge such conviction.

29           (b) The court administrator of the trial court shall immediately notify the department of  
30 criminal justice information services, the department of corrections and the appropriate local  
31 correctional facility, which shall immediately effectuate the appropriate relief.

32           (c) The division of criminal justice record services shall notify all relevant police and law  
33 enforcement agencies to destroy or seal records related to such cases.

34           (d) A person who was sentenced for a conviction in this state, whether by trial verdict or  
35 guilty plea, under section 32 of Chapter 94C prior to enactment of this act in conjunction with  
36 another criminal offense, shall be resentenced by the trial court of conviction and any time  
37 served shall be credited against the new sentence imposed.