

SENATE No.

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:

Patrick M. O'Connor

DISTRICT/ADDRESS:

First Plymouth and Norfolk

SENATE No.

[Pin Slip]

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 SECTION 1. Chapter 276 is hereby amended by adding the following new section:-

2 Section 33 ½.

3 (1)Definitions:

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

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.