

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul R. Feeney***

*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 safeguarding victims of illicit drink spiking.**

PETITION OF:

NAME:

*Paul R. Feeney*

*Patrick M. O'Connor*

DISTRICT/ADDRESS:

*Bristol and Norfolk*

*First Plymouth and Norfolk*

SENATE . . . . . No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1371 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act safeguarding victims of illicit drink spiking.

*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) There shall be within the department of public health, bureau of  
2 community health and prevention an illicit drink spiking response and intervention task force to  
3 study, report, and recommend regulations relative to incidences of illicit drink spiking in the  
4 commonwealth.

5 (b) The illicit drink spiking response and intervention task force shall consist of: the  
6 commissioner of the department of public health, who shall serve as chair; 2 member of the  
7 senate appointed by the president of the senate; 1 member of the senate appointed by the  
8 minority leader of the senate; 2 member of the house of representatives appointed by the speaker  
9 of the house of representatives; 1 member of the house of representatives appointed by the  
10 minority leader of the house of representatives; 2 members appointed by the governor; the  
11 secretary of health and human services, or their designee; and the director of nightlife economy

12 in the city of Boston, or their designee. The commissioner shall appoint members to the task  
13 force, 3 of whom shall be experts in public health, 1 of whom shall be a representative from the  
14 Professional Fire Fighters of Massachusetts, 1 of whom shall be a representative from the  
15 Massachusetts Coalition of Police, 1 of whom shall be a representative from Mass Restaurants  
16 United, 1 of whom shall be a representative from the Massachusetts Restaurant Association, 1 of  
17 whom shall be a representative from the Boston Area Rape Crisis Center, 1 of whom shall be a  
18 representative from the Massachusetts Medical Society, 1 of whom shall be a representative from  
19 the Massachusetts Alcoholic Beverages Control Commission, 1 of whom shall be a  
20 representative from the Massachusetts Nurses Association, 1 of whom shall be a victim of illicit  
21 drink spiking, 1 of whom shall be the parent of a victim of illicit drink spiking, 1 of whom shall  
22 be a representative from the Massachusetts Health & Hospital Association, 1 of whom shall be a  
23 representative from the Massachusetts State Police Crime Laboratory, 1 of whom shall be a  
24 representative from the Boston Police Department, 1 of whom shall be a representative from the  
25 Boston Police Department Office of Research and Development, 1 of whom shall be a  
26 representative from the Peace Officer Standards and Training Commission, 1 of whom shall be a  
27 representative from the Massachusetts Department of Higher Education, 1 of whom shall be a  
28 representative with the Sexual Assault Nurse Examiner.

29 (c) The taskforce shall be tasked with (i) formulating the definition of illicit drink  
30 spiking; (ii) issuing recommendations on standardizing care, including, but not limited to,  
31 emergency care and testing at hospital facilities across the commonwealth following a suspected  
32 illicit drink spiking incident, regardless of whether or not a sexual assault has occurred; (iii)  
33 recommending trauma-based empathy best practices for nurses examining patients reporting an  
34 illicit drink spiking incident when presenting at a hospital or health care facility in the

35 commonwealth; (iv) determining cost sharing best practices for care associated with treating a  
36 victim of illicit drink spiking in the hospital setting; (v) determining how illicit drink spiking  
37 shall be encompassed under the Emergency Medical Treatment and Labor Act (EMTALA); (vi)  
38 creating protocols for hospital admission due to an illicit drink spiking incident consistent with  
39 EMTALA; (vii) determining best practices for administering timely medical screening and  
40 stabilizing treatment to anyone who requests emergency care due to a confirmed or suspected  
41 illicit drink spiking incident consistent with EMTALA; (viii) determining how a medical  
42 screening examination consistent with EMTALA may include the administration of a relevant  
43 and timely testing sample to test for the presence of a substance used in illicit drink spiking upon  
44 request by the patient exhibiting symptoms of an illicit drink spiking incident or by any patient  
45 exhibiting symptoms of an illicit drink spiking incident; (ix) formulating a list of common signs  
46 of drink spiking; (x) identifying possible alternative toxicology support and testing solutions  
47 outside the hospital setting; (xi) establishing training practices for nurses and hospital personnel  
48 to determine signs of an individual experiencing an illicit drink spiking incident; (xii) examining  
49 the toxicology component of a Sexual Assault Evidence Collection Kit when the toxicology  
50 component of the kit goes unused; (xiii) determining a list of victim rights under current law for  
51 victims of illicit drink spiking, including an evidence-based risk assessment; (xiv) determining  
52 relevant illicit drink spiking data factors that may be tracked and collected by the department of  
53 public health; (xv) investigating the need for new criminal statutes to hold perpetrators of illicit  
54 drink spiking accountable.

55 (d) All appointments to the task force shall be made not later than 90 days after the  
56 effective day of this act. The taskforce shall hold its first meeting no later than 150 days after the  
57 effective date of this act. The task force shall meet no less than quarterly per calendar year. The

58 task force shall prepare its findings and recommendations, together with drafts of legislation or  
59 regulations necessary to carry those recommendations into effect, by filing the same with the  
60 clerks of the senate and house of representatives and the joint committee on public health not  
61 later than 1 year after the effective date of this act.

62 (e) Notwithstanding any general or special law to the contrary, the department of public  
63 health shall produce a comprehensive list of known substances in illicit drink spiking incidents  
64 and publish on the department webpage. The department shall provide resources on known  
65 substances used in illicit drink spiking incidents to serve as an informational source for the  
66 general public on the department webpage. The department shall provide on said website all  
67 available resources to individuals who suspect they have been a victim of involuntary  
68 consumption of a drug commonly used for drug-facilitated sexual assault. The department shall  
69 provide on said website a list of victim rights under current law to educate victims about their  
70 legal rights as victims of illicit drink spiking, including but not limited to an evidence-based risk  
71 assessment. The department shall update said website to ensure all information is updated and  
72 relevant at least 4 times per calendar year. The department shall develop and maintain an illicit  
73 drink spiking portal and hotline available on said website for the purpose of reporting incidents  
74 of illicit drink spiking. The department shall collect and track data provided via the illicit drink  
75 spiking portal and hotline. The department shall make data on incidents of illicit drink spiking  
76 publicly available on its website.

77 SECTION 2. (a) Notwithstanding any general or special law to the contrary, the  
78 department of public health shall develop regulations requiring all hospitals to issue an evidence  
79 based testing sample to test for the presence of a substance used in illicit drink spiking upon  
80 request by the patient exhibiting symptoms of an illicit drink spiking incident or by any patient

81 exhibiting symptoms of illicit drink spiking in the emergency room. The department shall  
82 promulgate guidance on cost sharing and insurance coverage relative to treatment of a victim of  
83 a confirmed or suspected illicit drink spiking incident to hospital facilities across the  
84 commonwealth. The department shall promulgate guidance detailing best practices for  
85 standardizing care and testing for suspected or confirmed victims of illicit drink spiking at  
86 hospital facilities across the commonwealth, regardless of whether or not a sexual assault has  
87 occurred. The department shall determine mechanisms for enforcing implementation of this  
88 guidance across the hospital setting. The department shall develop best practices determined for  
89 the purpose of training nurses and hospital personnel to identify signs of an individual  
90 experiencing an illicit drink spiking incident. The department may collect and track data on the  
91 location, victim demographics, and other relevant data factors of confirmed incidents of illicit  
92 drink spiking that are reported to the department.

93 (b) The department shall develop and launch a strategic and comprehensive public  
94 awareness campaign to inform the public about the prevalence and danger of illicit drink spiking  
95 through the department's website, digital and social media, traditional media, and other media,  
96 provided that the department may partner with relevant advocacy organizations, employers,  
97 boards of health, institutions of higher education and community groups to ensure that the  
98 campaign reaches the populations that are most at risk of being targeted for illicit drink spiking  
99 and includes evidence-based and culturally relevant response and safety tips for patrons at bars,  
100 restaurants, and nightlife establishments. The department shall launch said public awareness  
101 campaign no later than 1 year after the effective date of this act.

102 SECTION 3. Chapter 138 of the General Laws is hereby amended by inserting after  
103 section 121 1/2 the following new section:-

104           Section 122. (a) For purposes of this section, the following terms shall have the following  
105 meanings:

106           “Drug testing devices” means test strips, stickers, straws, and other devices designed to  
107 detect the presence of controlled substances in a drink.

108           “Controlled substances” includes, but is not limited to, flunitrazepam, ketamine, and  
109 gamma hydroxybutyric acid, also known by other names, including GHB, gamma  
110 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium  
111 oxybutyrate.

112           (b) The Alcoholic Beverages Control Commission, as defined in section 70 of chapter 10  
113 of the General Laws, in concert with the department of public health shall design and  
114 disseminate a notice that provides information and guidance to patrons relative to preventing and  
115 responding to an illicit drink spiking incident. Any bar, club, restaurant or establishment  
116 licensed under section 12 of chapter 138 of the General Laws shall post the notice in a  
117 prominent and conspicuous location. At least 1 sign shall be posted conspicuously in every  
118 publicly accessible bathroom.

119           (c) Any bar, club, restaurant or establishment licensed under section 12 of chapter 138 of  
120 the General Laws shall offer for sale to their customers drug testing devices at a cost not to  
121 exceed a reasonable amount based on the wholesale cost of those devices.

122           (d) Any bar, club, or restaurant licensed under section 12 of chapter 138 of the General  
123 Laws may offer drug testing devices for controlled substances to their customers free of charge.

124 (e) Any bar, club, or restaurant licensed under section 12 of chapter 138 of the Generals  
125 Laws shall not be held liable for a defective test or inaccurate test result, including, but not  
126 limited to, a false positive or false negative test result.

127 (f) Any bar, club, or restaurant licensed under section 12 of chapter 138 of the Generals  
128 Laws shall ensure that all testing devices offered to customers have not exceeded their expiration  
129 date or recommended period of use, according to the product label, product packaging, or  
130 otherwise recommended by the manufacturer.

131 (g) A violation of this section is not a crime.

132 (h) The commission shall post on its webpage information about the requirements of this  
133 section, including, but not limited to the signage that is required to be posted and the types of  
134 drug testing devices that are required to be available on a licensed premise.