

The Commonwealth of MassachusettsEXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, May 28, 1969.*To the Honorable Senate and House of Representatives:*

In accordance with the provisions of Article LVI of the Amendments of the Constitution, I am returning, herewith, House Bill No. 1914 entitled "An Act relative to search warrants in connection with harmful drugs and implements used therewith."

This legislation provides for the issuance of search warrants in cases where illegal possession or use of harmful drugs are concerned. The term "harmful drug" as used in this bill is a very broad term covering the entire category of prescription drugs, whether they be conducive to abuse or not. I believe that the term "harmful drug" should only apply to those which have been determined as being conducive to abuse and that this bill, as it is now written, would be confusing to our law enforcement agencies.

To clarify this term "harmful drug" I recommend that the bill be amended so that it refers only to those drugs that are "derivatives of barbituric acid, amphetamines, ergot or any hypnotic or somnifacient drug" as contained and defined in Section 187B of Chapter 94 of the General Laws.

I further believe that this mandate of the courts requiring the arrest of "all persons present" where said drugs are unlawfully possessed or used is too stringent an exercise of the powers of arrest for drugs in this category. The legislation as contained in this bill has been taken in total from that section of the law that pertains to narcotic drugs and is contained wholly in Section 213 of Chapter 94. In the case of the narcotic drug category, this exercise of authority may be justifiable but it is not equitable in the case of drugs as defined in Section 187B of Chapter 94.

I, therefore, recommend the bill be amended as follows:—

By adding after the words "harmful drug" where it appears in each instance in the engrossed bill, the words "as defined in section 187B of chapter 94".

I further recommend the bill be amended as follows:—

By striking out in line 11 of the engrossed bill the words "together with all persons present".

Respectfully submitted,

FRANCIS W. SARGENT,
Acting Governor of the Commonwealth.