

**SENATE . . . . . No. 1419**

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**The Commonwealth of Massachusetts**

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SENATE, February 12, 1992.

The committee on Health Care, to whom was referred the petition (accompanied by bill, Senate, No. 411) of Edward L. Burke for legislation relative to the possession of hypodermic instruments, reports the accompanying bill (Senate, No. 1419).

For the committee,

EDWARD L. BURKE.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Ninety-Two.

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### AN ACT RELATIVE TO CERTAIN PRESCRIPTIONS.

1     *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to immediately protect the public from  
3 the transmission of certain diseases, therefore, it is hereby declared  
4 to be an emergency law, necessary for the immediate preservation  
5 of the public health.

*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. Section 27 of chapter 94C of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 adding the following subsection: —

4     (f) The department of public health is hereby authorized to  
5 promulgate rules and regulations for the implementation of a one  
6 year pilot program, in cities or towns to be determined by the  
7 department, for the exchange of needles for the purpose of  
8 preventing the transmission of communicable diseases. The  
9 department shall report any interim findings and recommenda-  
10 tions to the joint committee on health care and public safety no  
11 later than six months after the implementation of said pilot  
12 program, and will make a final report within one year of the  
13 implementation of the program. Distribution or possession of  
14 needles or syringes in accordance with this section shall not be  
15 deemed in violation of this chapter.

1     SECTION 2. Section 32I of chapter 94C of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 adding the following subsection: —

4     (d) The provisions of subsection (a) and (b) of this section shall  
5 not apply to persons possessing or distributing needles and  
6 syringes pursuant to Chapter 94C section 27 (f) of the General  
7 Laws.