

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 742) of Stephen M. Brewer for legislation to require health care providers to notify law enforcement personnel of patients who have been injured while operating a motor vehicle and whose blood alcohol level exceeds legal limits. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CERTAIN BLOOD TESTS

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 24 of Chapter 90 of the General Laws, as
2 appearing in the 1994 Official Edition, is hereby amended in lines
3 500, 510, 512, 538, 550, 596, 605 and 643, by inserting after the
4 word "arrested" in each case the words "or cited"; in lines 540,
5 580, 598 and 704 by inserting after the word "arrest" in each case
6 the words "or citation"; and in line 679 by inserting after the word
7 "arrest" the words "or issued a citation".

1 SECTION 2. Chapter 90 of the General Laws is hereby
2 amended by inserting after section 24P, the following section:—

3 Section 24Q. Notwithstanding any law or regulation to the con-
4 trary, if a health care provider, who is providing medical care in a
5 health care facility after a motor vehicle accident to a person rea-
6 sonably believed to be the operator of a motor vehicle involved in
7 an accident, becomes aware as a result of any blood test per-
8 formed in the course of treatment, that the person's blood alcohol
9 level meets or exceeds the percent specified in M.G.L. c. 90,
10 section 24(1)(e), the health care provider may notify, as soon as is
11 reasonably possible, the law enforcement department having juris-
12 diction over the location where the accident occurred.

13 Upon notification, the law enforcement department shall have
14 the authority to charge the defendant pursuant to M.G.L. c.90,
15 Section 24 and to seek a license revocation pursuant to M.G.L. c. 90,

16 Section 24N, should their investigation provide probable cause for
17 such charges to issue. If the law enforcement department declines
18 to so charge the person, the department shall notify the registrar of
19 motor vehicles, in a manner proscribed by the registrar, of the
20 results of their investigation, and after hearing the registrar shall
21 suspend the person's license or right to operate for 90 days.

22 No health care provider, its employees or agents or any police
23 department, officer or employee or municipality or other state or
24 federal agency or their employees shall be liable for any act or
25 omission pursuant to the provisions of this section.