

**HOUSE . . . . . No. 1653**

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 1653) of Alice Hanlon Peisch and others for legislation to prohibit the prosecution of persons seeking medical assistance for the costs of drug-related overdoses. The Judiciary.

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Alice Hanlon Peisch**

*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 passage of the accompanying bill:

**An Act Relating to Controlled Substances and Medical Treatment.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	14th Norfolk
Kay Khan	11th Middlesex
John W. Scibak	2nd Hampshire

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATING TO CONTROLLED SUBSTANCES AND MEDICAL TREATMENT.

*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 94C of the General Laws, as appearing the 2006 official Edition, is hereby  
2 amended by inserting the following section:

3 Section 34A.

- 4 (a) A person who, in good faith, seeks medical assistance for someone experiencing a drug-related  
5 overdose shall not be charged or prosecuted for possession of a controlled substance pursuant  
6 to the provisions of section 34 if the evidence for the charge of possession of a controlled  
7 substance was gained as a result of the seeking of medical assistance
- 8 (b) A person who experiences a drug related overdose and is in need of medical assistance shall not  
9 be charged or prosecuted for possession of a controlled substance pursuant to section 34 if the  
10 evidence for the charge of possession of a controlled substance was gained as a result of the  
11 overdose and the need for medical assistance.
- 12 (c) The act of seeking medical assistance for someone who is experiencing a drug related overdose  
13 may be used as a mitigating factor in a criminal prosecution pursuant to the Controlled  
14 Substance Act.