HOUSE DOCKET, NO. FILED ON: 1/14/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Alice Hanlon Peisch**

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*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 |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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:*

SECTION 1. Chapter 94C of the General Laws, as appearing the 2006 official Edition, is hereby amended by inserting the following section:

Section 34A.

1. A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance pursuant to the provisions of section 34 if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance
2. A person who experiences a drug related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to section 34 if the evidence for the charge of possession of a controlled substance was gained as a result of the overdose and the need for medical assistance.
3. The act of seeking medical assistance for someone who is experiencing a drug related overdose may be used as a mitigating factor in a criminal prosecution pursuant to the Controlled Substance Act.