SENATE DOCKET, NO. FILED ON: 1/13/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Mr. Tolman**

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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 to reduce opioid overdose deaths.

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PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Mr. Tolman | Second Suffolk and Middlesex |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act to reduce opioid overdose deaths.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 Chapter 112 of the General Laws, as appearing in the 2006 Official Edition, hereby amended by inserting after section 12CC the following section:

 12DD: Notwithstanding any general or special law to the contrary,

Any person, who in good faith, seeks medical assistance for someone who is or there is reason to believe is experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance, pursuant to the Controlled Substances Act, M.G.L c. 94C, if the evidence for the charge of or prosecution for possession of a controlled substance was obtained as a result of the seeking of medical assistance;

 Any person who experiences or has reason to believe he or she is experiencing 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 the Controlled Substances Act, M.G.L. c. 94C, if the evidence for the charge of or prosecution for possession of a controlled substance was obtained as a result of the seeking of medical assistance;

Nothing in this section shall prohibit a charge or prosecution for possession with intent to manufacture, distribute or dispense a controlled substance or the entry of a plea or verdict of guilty for possession of a controlled substance as a lesser-included offense of a complaint or indictment charging possession of a controlled substance with intent to manufacture, distribute, or dispense. The act of seeking medical assistance for someone who is or there is reason to believe is experiencing a drug-related overdose shall be admissible as evidence in a criminal prosecution pursuant to the Controlled Substances Act, M.G.L. c. 94C, if the evidence for the charge or prosecution was obtained as a result of the seeking of medical assistance.