

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Tolman**

*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.**

PETITION OF:

NAME:

Mr. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## 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:*

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

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4 12DD: Notwithstanding any general or special law to the contrary,

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

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12 Any person who experiences or has reason to believe he or she is experiencing a drug-related  
13 overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a  
14 controlled substance, pursuant to the Controlled Substances Act, M.G.L. c. 94C, if the evidence for the  
15 charge of or prosecution for possession of a controlled substance was obtained as a result of the seeking  
16 of medical assistance;

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18 Nothing in this section shall prohibit a charge or prosecution for possession with intent to  
19 manufacture, distribute or dispense a controlled substance or the entry of a plea or verdict of guilty for

20 possession of a controlled substance as a lesser-included offense of a complaint or indictment charging  
21 possession of a controlled substance with intent to manufacture, distribute, or dispense. The act of  
22 seeking medical assistance for someone who is or there is reason to believe is experiencing a drug-  
23 related overdose shall be admissible as evidence in a criminal prosecution pursuant to the Controlled  
24 Substances Act, M.G.L. c. 94C, if the evidence for the charge or prosecution was obtained as a result of  
25 the seeking of medical assistance.