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Mass. General Laws c.94C § 34A

Immunity from prosecution under Sec. 34 or finding of violation of condition of probation, pretrial release or parole for persons seeking medical assistance for self or other experiencing drug-related overdose

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Updates

- Added by St.2012, c. 192, § 32
- Amended by [St.2018, c. 69, §§ 58-59](https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69) (<https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>), effective April 13, 2018

(a)

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 under section 34 or found in violation of a condition of probation or pretrial release as determined by a court or a condition of parole, as determined by the parole board if the evidence for the charge of possession of a controlled substance or violation was gained as a result of the seeking of medical assistance.

(b)

A person who experiences a drug-related overdose and is in need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance, shall not be charged or prosecuted for possession of a controlled substance under said section 34 or found in violation of a condition of probation or pretrial release as determined by a court or a condition of parole, as determined by the parole board if the evidence for the charge of possession of a controlled substance or violation was gained as a result of the overdose and the need for medical assistance.

(c)

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 under the Controlled Substance Act, 1970 P.L. 91-513, 21 U.S.C. section 801, et seq.

(d)

Nothing contained in this section shall prevent anyone from being charged with trafficking, distribution or possession of a controlled substance with intent to distribute.

(e)

A person acting in good faith may receive a naloxone prescription, possess naloxone and administer naloxone to an individual appearing to experience an opiate-related overdose.

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