

Somerville Police Department 	TYPE: GENERAL ORDER		POLICY NUMBER: 413		
	Subject: Good Samaritan Act				
	Issuing Authority: David Fallon Chief of Police		Signature: 	Effective Date: October 1, 2015	
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Purpose

Overdose immunity laws (so called Good Samaritan laws) in Massachusetts fall under two basic categories. Those relating to a person who has called 911 or is otherwise seeking immediate medical assistance, and those relating to prescribing, possessing and administering medication to reverse an opiate related overdose.

The first category generally provides immunity only from low level criminal offenses (i.e. possession, personal use, etc.) for a person who is either experiencing an opiate-related overdose or observing one, and who is seeking immediate medical attention for themselves or others.

The second category provides immunity to specific groups of people who may possess and administer nasal naloxone (Narcan) to reverse the process (effects) of an opiate overdose (respiratory depression and arrest). This includes emergency medical personnel, law enforcement officers, first responders, drug users and their friends and families.

Definitions

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity in the central nervous system, reduce pain, and induce sleep. Some of the more common opiates frequently encountered are: Heroin, Morphine, Fentanyl, OxyContin, Percocet, Percodan, and Vicodin.

Naloxone, also known by the brand name Narcan: Opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system.

Policy

It is the policy of the Somerville Police Department to abide by and adhere to the Good Faith Immunity Laws and to adopt:

1. M.G.L. Chapter 94C, Section 34A

- 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 sections 34 or 35 if the evidence for the charge of possession of a controlled substance 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 sections 34 or 35 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.
- 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.

2. M.G.L. Chapter 94C, Section 19 Subsection (d)

- A.** Naloxone or other opioid antagonist may lawfully be prescribed and dispensed to a person at risk of experiencing an opiate-related overdose or a family member, friend or other person in a position to assist a person at risk of experiencing an opiate-related overdose. For purposes of this chapter and chapter 112, any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.