

HOUSE No. 1242

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 adoption of the accompanying bill:

An Act to punish drug distribution causing death.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>

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By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 1242) of Nick Collins, Linda Dorcena Forry and Brian M. Ashe relative to the punishment for deaths caused as the result of the injection, inhalation or ingestion of drugs. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to punish drug distribution causing death.

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

1 Section 1. Chapter 265 is hereby amended by adding after Section 15C the following
2 section: -

3 Any person who manufactures, sells, distributes, or dispenses methamphetamine, lysergic
4 acid, diethylamide phencyclidine (PCP) or any other controlled drug in Class A or Class B as set
5 forth at section 31 of chapter 94C, or any controlled drug analog thereof, in violation of chapter
6 94C, is strictly liable for a death which results from the injection, inhalation or ingestion of that
7 substance, and may be sentenced to imprisonment for life or for any term of years as the court
8 may order. For purposes of this section, the person’s act of manufacturing, distributing,
9 dispensing, or selling a substance is the cause of a death when:

10 (a) The injection, inhalation or ingestion of the substance is an antecedent but for which
11 the death would not have occurred; and

12 (b) The death was proximately caused by a person who manufactured, sold, distributed,
13 or dispensed such substance.

14 It shall not be a defense to a prosecution under this section that the decedent contributed
15 to his own death by his purposeful, knowing, reckless or negligent injection, inhalation or
16 ingestion of the substance or by his consenting to the administration of the substance by another.
17 Nothing in this section shall be construed to preclude or limit any prosecution for homicide.