

HOUSE No. 2119

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda and Mike Connolly

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 relative to harm reduction and racial justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/19/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/19/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/8/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/18/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/19/2021</i>

HOUSE No. 2119

By Representatives Miranda of Boston and Connolly of Cambridge, a petition (accompanied by bill, House, No. 2119) of Liz Miranda, Mike Connolly and others relative to unlawful possession of certain controlled substances. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to harm reduction and racial justice.

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 94C of the General Laws is hereby amended by striking out section
2 34, as so appearing, and inserting in place thereof the following section:-

3 Section 34. No person knowingly or intentionally shall possess a controlled substance
4 unless such substance was obtained directly, or pursuant to a valid prescription or order, from a
5 practitioner while acting in the course of his professional practice, or except as otherwise
6 authorized by the provisions of this chapter. Except as provided in Section 32L of this Chapter or
7 as hereinafter provided, any person who violates this section shall be subject to a civil fine of not
8 more than fifty dollars or participation in a needs screening to identify health and other service
9 needs, including but not limited to services that may address any problematic substance use and
10 mental health conditions, lack of employment, housing, or food, and any need for civil legal
11 services. The screening should prioritize the individual's self-identified needs for referral to
12 appropriate services. The screening shall be conducted by individuals trained in the use of

13 evidence-based, culturally and gender competent trauma-informed practices. Upon verification
14 that the person has completed the screening within forty-five days of when the fine was imposed,
15 the fine imposed by this section shall be waived and the citation dismissed. Completion of the
16 screening shall not be deemed an admission of any kind and no legal findings shall be made
17 based on the issued citation. Failure to pay the fine shall not be the basis for further penalties or
18 for a term of incarceration.