

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XV	REGULATION OF TRADE
Chapter 94C	CONTROLLED SUBSTANCES ACT
Section 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

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 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.