HOUSE DOCKET, NO. 499 FILED ON: 1/18/2011

HOUSE . . . . . No. 591

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 passage of the accompanying:

An Act restricting the sale of tobacco products at locations where health professionals are employed.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	*23rd Middlesex*
Brian M. Ashe	*2nd Hampden*
Paul J. Donato	*35th Middlesex*
Susan C. Fargo	☐ *[District]* ☐
Jonathan Hecht	*29th Middlesex*
Peter V. Kocot	*1st Hampshire*
Denise Provost	*27th Middlesex*
Stephen Stat Smith	*28th Middlesex*
Ellen Story	*3rd Hampshire*
Benjamin Swan	*11th Hampden*
Martha M. Walz	*8th Suffolk*

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HOUSE . . . . . No. 591

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 591) of Sean Garballey and others for legislation to restrict the sale of tobacco products at locations where health professionals are employed. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2054* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act restricting the sale of tobacco products at locations where health professionals are employed.

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

Section 1. Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by inserting after section 61 the following new section:

Section 61A

Definitions.

"Health care institution" as used in this section shall mean any individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed or subject to licensing by the Massachusetts Department of Health under this chapter. This definition includes but is not limited to hospitals, clinics, health centers, pharmacies, and doctors' and dentists' offices.

"Retail establishment" as used in this section shall mean any store that sells goods or articles of personal services to the public.

"Tobacco products" as used in this section shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and dipping tobacco.

15 (b) Prohibition of Tobacco Sales

16 (1) No health care institution located in Massachusetts shall sell or cause to be sold
17 tobacco products.

18 (2) No retail establishment that operates or has a health care institution within it, shall
19 sell or cause to be sold tobacco products, except that this prohibition shall not apply to buildings
20 or sites where tobacco sales are conducted at a site with separate street entrances which are more
21 than 75 feet from the site where health services are offered, and, where no interior hallways or
22 other passageways provide access to both the health care facility and the site of tobacco sales.

23 (3) The Board of Registration in Medicine and each board of registration within the
24 Division of Health Professions Licensure, including but not limited to the Board of Registration
25 in Nursing, the Board of Registration in Podiatry, the Board of Registration in Pharmacy, the
26 Board of Registration in Optometry, and the Board of Registration of Chiropractors, shall
27 promulgate regulations within 90 days of the effective date of this legislation which prohibit their
28 licensees from working in their professional capacity in any retail establishment where tobacco
29 products are sold or in workspaces leased within or from such retail establishment.

30 Section 2. The Act shall take effect on October 1, 2010.