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HOUSE . . . . . No. 2054

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.

(b) Prohibition of Tobacco Sales

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

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

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

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