

**HOUSE . . . . . No. 1048**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul J. Donato***

*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 requiring the sterilization of musical instruments in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/20/2011</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 1048**

By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 1048) of Paul J. Donato and Stephen Stat Smith for legislation to require that musical wind instruments be sterilized prior to being issued to a student. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 111 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act requiring the sterilization of musical instruments in schools.

*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 71 of the General Laws is hereby amended by inserting after s  
2 ection 55C the following section:

3 Section 55D. Any musical wind instrument provided by any school, public or private, to  
4 a student in grades pre-K through 12, for any instruction or activity of any nature, shall be  
5 thoroughly sterilized prior to issuance to each student who uses such instrument. Such musical  
6 wind instruments shall be sterilized through a process destroying all microbial life including, but  
7 not limited to, bacteria, fungi, viruses and endospores. The sterilization shall be performed by  
8 the school issuer using a certified sterilant approved by the environmental protection agency and  
9 the process protocol shall be established by the department of public health. Compliance and  
10 enforcement shall be under the jurisdiction of the department of public health. Notification of

- 11 this section shall be conducted by the department of public health which shall notify all
- 12 superintendents of schools. This section shall be applicable to all musical wind instruments
- 13 other than newly purchased instruments in this manufacturer's original packaging.