

HOUSE No. 627

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

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 smoking near public buildings and workplaces..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>1/14/2011</i>

HOUSE No. 627

By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 627) of Theodore C. Speliotis for legislation to further regulate smoking in areas adjacent to public buildings and workplaces. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2162 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to smoking near public buildings and workplaces..

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 270 of the General Laws as appearing in the 2004 Official Edition,
2 is hereby amended by inserting after section 22 the following section:-

3 Section 22A. Smoking is prohibited within a presumptively reasonable minimum
4 distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that
5 serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not
6 enter the area through entrances, exits, open windows, or other means. Owners, operators,
7 managers, employers, or other persons who control a public building or workplace may seek to
8 rebut the presumption that twenty-five feet is a reasonable minimum distance by making
9 application to the director of the local health department or district in which the public place or
10 workplace is located. The presumption will be rebutted if the applicant can show by clear and

11 convincing evidence that, given the unique circumstances presented by the location of entrances,
12 exits, windows that open, ventilation intakes, or other factors, smoke will not infiltrate or reach
13 the entrances, exits, open windows, or ventilation intakes or enter into such public building or
14 workplace and, therefore, the public health and safety will adequately be protected by a lesser
15 distance.

16 Owners, or in the case of a leased or rented space the lessee or other person in charge, of
17 a place shall prohibit smoking as appropriate under this section. Signs shall be posted
18 conspicuously at each building entrance. When violations occur, a warning shall first be given to
19 the owner or other person in charge. Any subsequent violation is subject to a civil fine of up to
20 one hundred dollars. Each day upon which a violation occurs or is permitted to continue
21 constitutes a separate violation.

22 Any person intentionally violating this section by smoking near a public building or
23 workplace, or any person removing, defacing, or destroying a sign required by this section will
24 be subject to a civil fine of up to one hundred dollars. Any person passing by or through a public
25 building or workplace while on a public sidewalk or public right of way will not be in violation.
26 Local law enforcement agencies shall enforce this section.