

**SENATE . . . . . No. 1094**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Susan C. Fargo***

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Susan C. Fargo</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Richard T. Moore</i>	
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

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By Ms. Fargo, petition (accompanied by bill, Senate, No. 1094) of Sánchez, Provost, Walz and other members of the General Court for legislation to restrict the sale of tobacco products at locations where health professional are employed [Joint Committee on Public Health].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 813 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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:*

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

3           Definitions.

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

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

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

14 (b) Prohibition of Tobacco Sales

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

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

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

29 Section 2. The Act shall take effect on October 1, 2012.