

**HOUSE . . . . . No. 1966**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sean Garballey and Michael J. Barrett*

*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 health care institutions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/18/2013</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/18/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	

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By Representative Garballey of Arlington and Senator Barrett, a joint petition (accompanied by bill, House, No. 1966) of Sean Garballey and others for legislation to restrict the sale of tobacco products at locations where health professionals are employed. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 591 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act restricting the sale of tobacco products at health care institutions.

*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 end  
2 thereof by inserting after section 61 the following new section:-

3 Section 61A

4 Definitions.

5 “Health care institution” as used in this section shall mean any individual, partnership,  
6 association, corporation or trust or any person or group of persons that provides health care  
7 services and employs health care providers licensed or subject to licensing by the Massachusetts  
8 Department of Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical  
9 goods and services and is subject to the provisions of 247 CMR 6.00.. Health care institutions  
10 include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor  
11 and dentist offices.

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

14 “Tobacco products” as used in this section shall mean cigarettes, cigars, chewing  
15 tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

16 (b) Prohibition of Tobacco Sales

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

19 (2) No retail establishment that operates or has a health care institution within it, such as  
20 a pharmacy or drug store, shall sell or cause to be sold tobacco products.

21 (3) Nothing in this section shall preempt further limitation of tobacco use by the  
22 commonwealth or any department, agency or political subdivision of the commonwealth.

23 Section 2. The Act shall take effect on December 31, 2013.