

**HOUSE . . . . . No. 181**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James J. Dwyer*

*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 establishing the Massachusetts travelers bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/15/2015</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>8/19/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>8/19/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>8/19/2019</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>8/19/2019</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	<i>8/19/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>8/19/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>8/19/2019</i>

**HOUSE . . . . . No. 181**

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By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 181) of James J. Dwyer and others for legislation to require businesses offering travel services to provide consumers with health and safety information relative to international destinations. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act establishing the Massachusetts travelers bill of rights.

*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 93 of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after section 114 the following new section:-

3 Section 115. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5 "International travel service," a service that a consumer can use to reserve lodging at an  
6 overseas vacation destination.

7 "Office," the office of consumer affairs and business regulation

8 "Overseas vacation destination", a resort, hotel, retreat, hostel, or any other similar  
9 lodging outside the United States.

10           “Business Operator,” an individual or entity that operates a business that provides access  
11 to international travel services including an overseas vacation destination or a third party that  
12 operates a business that offers international travel services.

13           (b) A business operator, in a manner in compliance with regulations issued by the office  
14 of consumer affairs and business regulations, shall provide information to consumers in a clear  
15 and conspicuous manner regarding the potential health and safety risks associated with overseas  
16 vacation destinations marketed by said business, if any, including the following:

17           (1) Information compiled by the Department of State, including Department of State  
18 country-specific travel warnings and alerts;

19           (2) Information regarding the onsite health and safety services that are available to  
20 consumers at each overseas vacation destination, including whether the destination:--

21           (i) employs or contracts with a physician or nurse on the premises to provide medical  
22 treatment for guests;

23           (ii) employs or contracts with personnel, other than a physician, nurse, or lifeguard, on  
24 the premises who are trained in cardiopulmonary resuscitation;

25           (iii) has an automated external defibrillator and employs or contracts with 1 or more  
26 individuals on the premises trained in its use; and

27           (iv) employs or contracts with 1 or more lifeguards on the premises trained in  
28 cardiopulmonary resuscitation, if the overseas vacation destination has swimming pools or other  
29 water-based activities on its premises, or in areas under its control for use by guests; or

30 (3) Information that services are not available 24 hours a day. If the onsite health and  
31 safety services at an overseas vacation destination are not available 24 hours a day, 7 days a  
32 week, the business operator shall provide the hours and days of availability in a clear and  
33 conspicuous manner.

34 (c) If the onsite health and safety services described in paragraph (2) are not available at  
35 an overseas vacation destination, or if the business operator does not possess information on the  
36 onsite health and safety services required to be provided, the business operator shall provide in a  
37 clear and conspicuous manner the following notification:-- “This destination does not provide  
38 certain health and safety services, or information regarding such services is not available. Travel  
39 to this destination may pose an increased risk to your health or safety”.

40 (d) A businessoperator shall establish a process under which an overseas vacation  
41 destination will be suspended from its offerings as a result of complaints from consumers to the  
42 business operator regarding poor medical care, unsafe or unsanitary facilities, or other health or  
43 safety-related issues with respect to such destination.

44 (f) A violation of any provision of this section shall be treated as a violation of a rule  
45 defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal  
46 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) set forth in section 2 of chapter 93A. The office  
47 of consumer affairs and business regulation shall enforce this act, by the same means, and with  
48 the same jurisdiction as though all applicable terms and provisions of the Federal Trade  
49 Commission Act were incorporated into and made a part of this act.

50 SECTION 2. The office of consumer affairs and business regulation shall issue  
51 regulations to carry out this act not later than six months after the effective date of this act.