HOUSE DOCKET, NO. 2371 FILED ON: 1/19/2017

HOUSE . . . . . No. 2455

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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:
Sean Garballey	*23rd Middlesex*	*1/19/2017*
Steven Ultrino	*33rd Middlesex*	*1/19/2017*
Michael J. Barrett	*Third Middlesex*	*1/19/2017*
Lori A. Ehrlich	*8th Essex*	*1/19/2017*
Jonathan Hecht	*29th Middlesex*	*1/19/2017*
Brian M. Ashe	*2nd Hampden*	*1/19/2017*
Thomas M. Stanley	*9th Middlesex*	*1/19/2017*
Patricia D. Jehlen	*Second Middlesex*	*1/19/2017*

HOUSE DOCKET, NO. 2371 FILED ON: 1/19/2017

HOUSE . . . . . No. 2455

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2455) of Sean Garballey and others for legislation to prohibit the sale of tobacco products at certain health care institutions. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1954* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

Section 1. Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by inserting after section 61 the following new section:- Section 61A Definitions. "Health care institution" as used in this section shall mean any individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to doctor offices, optician/optometrist offices and dentist offices.

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

"Tobacco products" as used in this section shall mean any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

(b) Prohibition of Tobacco Sales (1) No health care institution located in Massachusetts shall sell or cause to be sold tobacco products. (2) No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist, or drug store shall sell or cause to be sold tobacco products. (3) Nothing in this section shall preempt further limitation of tobacco use by the commonwealth or any department, agency or political subdivision of the commonwealth.

Section 2. The Act shall take effect ninety days after its' passage.