

# HOUSE . . . . . No. 4459

---

## The Commonwealth of Massachusetts

---

HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, House, No. 4257) of Marjorie C. Decker relative to the cancellation of certain physical fitness services, reports recommending that the accompanying bill (House, No. 4459) ought to pass.

For the committee,

TACKEY CHAN.



# HOUSE . . . . . No. 4459

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to the cancellation of physical fitness services.

*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 2018 Official Edition,  
2 is hereby amended by inserting, after section 81, the following section:-

3           Section 81A. (a) Every contract for physical fitness services shall provide clearly and  
4 conspicuously in writing that such contract may be cancelled within 3 business days after the  
5 date of receipt by the buyer of a copy of the written contract or written receipt indicating the  
6 buyer's payment for physical fitness services. The contract for physical fitness services shall  
7 contain the following written notice in at least 10 point bold type:

8           “CONSUMER'S RIGHT TO CANCELLATION. YOU MAY CANCEL THIS  
9 CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION BY CAUSING A  
10 WRITTEN NOTICE OF YOUR CANCELLATION TO BE DELIVERED IN PERSON OR  
11 POSTMARKED BY CERTIFIED OR REGISTERED UNITED STATES MAIL WITHIN  
12 THREE (3) BUSINESS DAYS OF THE DATE OF THIS CONTRACT OR THE DATE OF  
13 YOUR RECEIPT TO THE ADDRESS SPECIFIED IN THIS CONTRACT.”



14

15           The notice of the buyer's cancellation of the contract shall be in writing and delivered in  
16 person or by certified or registered United States mail at the address specified in the contract.

17 Such notice shall be accompanied by the contract forms, membership cards and any other  
18 documents or evidence of membership previously delivered to the buyer. All monies paid  
19 pursuant to such contract shall be refunded within 15 business days of receipt of such notice of  
20 cancellation. If the buyer has executed any credit or loan agreement to pay for all or part of the  
21 physical fitness services, any such negotiable instrument shall be void upon cancellation under  
22 this section and shall also be returned to the buyer within said 15 days.

23           (b) For the purposes of this section, the term "Physical fitness services" means any  
24 instruction, training or assistance in the preservation, maintenance, encouragement or  
25 development of physical fitness, conditioning or well being offered by a person, firm,  
26 corporation, partnership, unincorporated association, franchise or other business enterprise.