HOUSE DOCKET, NO. 3193 FILED ON: 2/18/2021

HOUSE . . . . . No. 2357

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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 protecting youth from second hand smoke.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	*8th Suffolk*	*2/18/2021*

HOUSE DOCKET, NO. 3193 FILED ON: 2/18/2021

HOUSE . . . . . No. 2357

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 2357) of Jay D. Livingstone for legislation to further regulate smoking in certain residential buildings. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act protecting youth from second hand smoke.

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. Section 127A of Chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following new paragraph: -

Smoking shall be prohibited in multi-unit residential buildings including inside the residential units of the building, and inside commercial space in or physically attached to the residential building, for which the municipal authorization of residential occupancy for any part of the building issues on or after January 1, 2022; and thereafter, smoking shall be prohibited in all other multi-unit residential buildings including inside the residential units of the building, and inside commercial space in or physically attached to the residential building in the building, by January 1, 2023.

"Multi-unit Residence" means property containing two (2) or more Units, including, but not limited to, apartment buildings, condominium buildings, senior and assisted living facilities, and long-term health care facilities, but does not include a single-family home physically

detached from another residential or commercial structure, except if and when used as a healthcare or childcare services subject to municipal or state licensing requirements or wherever else smoking is prohibited.

“in Multi-unit Residence” shall include decks, patios, porches, open windows and doors, exterior stairs, means of egress and ingress, and other like areas immediately outside the Multi-unit Residence that are under the control of the building owner and from where smoke drifts into any part of the Multi-unit Residence.

"Smoking" means the lighting or possessing of a lighted of a cigar, cigarette, pipe or other tobacco product or non-tobacco product including designed to be combusted and inhaled, including marijuana. Smoking shall not mean the heating of marijuana that does not cause combustion.

SECTION 2. Section 127C of Chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the words “tenant” wherever it appears, and inserting in place thereof “tenant or condominium unit owner.”

SECTION 3. The Massachusetts Department of Public Health shall promulgate regulations for the implementation and enforcement of this Act. Nothing in this Act shall prohibit landlords or condominium associations from prohibiting smoking throughout their buildings, including inside units, or on their property before the effective dates of this Act. Nothing in this Act shall preempt further restriction by the Commonwealth or any department, agency or political subdivision of the Commonwealth.