

HOUSE No. 2054

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2054) of Sean Garballey and others for legislation to restrict the sale of tobacco products at locations where health professionals are employed. Public Health.

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 passage of the accompanying bill:

An Act restricting the sale of tobacco products at locations where health professionals are employed.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	23rd Middlesex
Matthew C. Patrick	3rd Barnstable
Martin J. Walsh	13th Suffolk
Elizabeth A. Malia	11th Suffolk
Alice K. Wolf	25th Middlesex
Frank I. Smizik	15th Norfolk
Byron Rushing	9th Suffolk
Benjamin Swan	11th Hampden
Jonathan Hecht	29th Middlesex
Paul McMurtry	11th Norfolk
Lori Ehrlich	8th Essex
Stephen Stat Smith	28th Middlesex
Denise Provost	27th Middlesex
William G. Greene, Jr.	22nd Middlesex
Willie Mae Allen	6th Suffolk
Thomas M. Stanley	9th Middlesex

A. Stephen Tobin	2nd Norfolk
William N. Brownsberger	24th Middlesex
Louis L. Kafka	8th Norfolk
Ellen Story	3rd Hampshire
Cory Atkins	14th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RESTRICTING THE SALE OF TOBACCO PRODUCTS AT LOCATIONS WHERE HEALTH PROFESSIONALS ARE EMPLOYED.

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 thereof by
2 inserting after section 61 the following new section:

3 Section 61A

4 (a) Definitions.

5 "Health care institution" as used in this section shall mean any individual, partnership, association,
6 corporation or trust or any person or group of persons that provides health care services and employs
7 health care providers licensed or subject to licensing by the Massachusetts Department of Health
8 under this chapter. This definition includes but is not limited to hospitals, clinics, health centers,
9 pharmacies, and doctors' and dentists' offices.

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

12 "Tobacco products" as used in this section shall mean any substance containing tobacco leaf,
13 including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and dipping
14 tobacco.

15 (b) Prohibition of Tobacco Sales

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

17 (2) No retail establishment that operates or has a health care institution within it, shall sell or cause to
18 be sold tobacco products, except that this prohibition shall not apply to buildings or sites where
19 tobacco sales are conducted at a site with separate street entrances which are more than 75 feet from
20 the site where health services are offered, and, where no interior hallways or other passageways
21 provide access to both the health care facility and the site of tobacco sales.

22 (3) The Board of Registration in Medicine and each board of registration within the Division of Health
23 Professions Licensure, including but not limited to the Board of Registration in Nursing, the Board of
24 Registration in Podiatry, the Board of Registration in Pharmacy, the Board of Registration in
25 Optometry, and the Board of Registration of Chiropractors, shall promulgate regulations within 90
26 days of the effective date of this legislation which prohibit their licensees from working in their
27 professional capacity in any retail establishment where tobacco products are sold or in workspaces
28 leased within or from such retail establishment.

29 **Section 2.** The Act shall take effect on October 1, 2010.