

HOUSE No. 205

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 passage of the accompanying bill:

An Act establishing the Massachusetts travelers bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>

HOUSE No. 205

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 205) 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.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 Generals 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.