

HOUSE No. 352

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 relative to the cancellation of physical fitness services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/5/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/15/2021</i>

HOUSE No. 352

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 352) of Marjorie C. Decker and Timothy R. Whelan relative to the cancellation of physical fitness services. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4459 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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

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