

**HOUSE . . . . . No. 00591**

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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:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>

# HOUSE . . . . . No. 00591

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 591) of Sean Garballey and others for legislation to restrict the sale of tobacco products at locations where health professionals are employed. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 2054 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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
- 2 by inserting after section 61 the following new section:
- 3 Section 61A
- 4 Definitions.
- 5 “Health care institution” as used in this section shall mean any individual, partnership,
- 6 association, corporation or trust or any person or group of persons that provides health care
- 7 services and employs health care providers licensed or subject to licensing by the Massachusetts

8 Department of Health under this chapter. This definition includes but is not limited to hospitals,  
9 clinics, health centers, 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  
17 products.

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

23 (3) The Board of Registration in Medicine and each board of registration within the Division of  
24 Health Professions Licensure, including but not limited to the Board of Registration in Nursing,  
25 the Board of Registration in Podiatry, the Board of Registration in Pharmacy, the Board of  
26 Registration in Optometry, and the Board of Registration of Chiropractors, shall promulgate  
27 regulations within 90 days of the effective date of this legislation which prohibit their licensees

28 from working in their professional capacity in any retail establishment where tobacco products

29 are sold or in workspaces leased within or from such retail establishment.

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