

HOUSE No. 00627

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

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 relative to smoking near public buildings and workplaces..

PETITION OF:

NAME:

Theodore C. Speliotis

DISTRICT/ADDRESS:

13th Essex

HOUSE No. 00627

By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 627) of Theodore C. Speliotis for legislation to further regulate smoking in areas adjacent to public buildings and workplaces. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2162 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to smoking near public buildings and workplaces..

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 270 of the General Laws as appearing in the 2004 Official Edition, is
- 2 hereby amended by inserting after section 22 the following section:-
- 3 Section 22A. Smoking is prohibited within a presumptively reasonable minimum distance of
- 4 twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an
- 5 enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the
- 6 area through entrances, exits, open windows, or other means. Owners, operators, managers,
- 7 employers, or other persons who control a public building or workplace may seek to rebut the
- 8 presumption that twenty-five feet is a reasonable minimum distance by making application to the
- 9 director of the local health department or district in which the public place or workplace is

10 located. The presumption will be rebutted if the applicant can show by clear and convincing
11 evidence that, given the unique circumstances presented by the location of entrances, exits,
12 windows that open, ventilation intakes, or other factors, smoke will not infiltrate or reach the
13 entrances, exits, open windows, or ventilation intakes or enter into such public building or
14 workplace and, therefore, the public health and safety will adequately be protected by a lesser
15 distance.

16 Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place
17 shall prohibit smoking as appropriate under this section. Signs shall be posted conspicuously at
18 each building entrance. When violations occur, a warning shall first be given to the owner or
19 other person in charge. Any subsequent violation is subject to a civil fine of up to one hundred
20 dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate
21 violation.

22 Any person intentionally violating this section by smoking near a public building or workplace,
23 or any person removing, defacing, or destroying a sign required by this section will be subject to
24 a civil fine of up to one hundred dollars. Any person passing by or through a public building or
25 workplace while on a public sidewalk or public right of way will not be in violation. Local law
26 enforcement agencies shall enforce this section.