

SENATE No. 01094

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Fargo

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>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

SENATE No. 01094

By Ms. Fargo, petition (accompanied by bill, Senate, No. 1094) of Sánchez, Provost, Walz and other members of the General Court for legislation to restrict the sale of tobacco products at locations where health professional are employed [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 813 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 end thereof by inserting after section 61 the following new section:- Section 61A

3 Definitions.

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

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

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

14 (b) Prohibition of Tobacco Sales

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

17 (2) No retail establishment that operates or has a health care institution within it, shall sell or
18 cause to be sold tobacco products, except that this prohibition shall not apply to buildings or sites
19 where tobacco sales are conducted at a site with separate street entrances which are more than 75
20 feet from the site where health services are offered, and, where no interior hallways or other
21 passageways 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
23 of Health Professions Licensure, including but not limited to the Board of Registration in
24 Nursing, the Board of Registration in Podiatry, the Board of Registration in Pharmacy, the Board
25 of Registration in Optometry, and the Board of Registration of Chiropractors, shall promulgate
26 regulations within 90 days of the effective date of this legislation which prohibit their licensees
27 from working in their professional capacity in any retail establishment where tobacco products
28 are sold or in workspaces leased within or from such retail establishment.

29 Section 2. The Act shall take effect on October 1, 2012.