

HOUSE No. 1954

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 adoption of the accompanying bill:

An Act restricting the sale of tobacco products at health care institutions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>

<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>

HOUSE No. 1954

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1954) of Sean Garballey and others for legislation to prohibit the sale of tobacco products at certain health care institutions. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act restricting the sale of tobacco products at health care institutions.

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
2 thereof by inserting after section 61 the following new section:- Section 61A Definitions.
3 “Health care institution” as used in this section shall mean any individual, partnership,
4 association, corporation or trust or any person or group of persons that provides health care
5 services and employs health care providers licensed, or subject to licensing, by the
6 Massachusetts Department of Health under M.G.L. c. 112 or a retail establishment that provides
7 pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care
8 institutions include, but are not limited to doctor offices, optician/optometrist offices and dentist
9 offices.

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

12 “Tobacco products” as used in this section shall mean any product containing, made, or
13 derived from tobacco or nicotine that is intended for human consumption, whether smoked,
14 chewed absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including,
15 but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or
16 electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar
17 products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco
18 product” includes any component or part of a tobacco product. “Tobacco product” does not
19 include any product that has been approved by the United States Food and Drug Administration
20 either as a tobacco use cessation product or for other medical purposes and which is being
21 marketed and sold or prescribed solely for the approved purpose.

22 (b) Prohibition of Tobacco Sales (1) No health care institution located in Massachusetts
23 shall sell or cause to be sold tobacco products. (2) No retail establishment that operates or has a
24 health care institution within it, such as a pharmacy, optician/optometrist, or drug store shall sell
25 or cause to be sold tobacco products. (3) Nothing in this section shall preempt further limitation
26 of tobacco use by the commonwealth or any department, agency or political subdivision of the
27 commonwealth.

28 Section 2. The Act shall take effect ninety days after its' passage.