

HOUSE No. 3602

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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 secondhand smoke in condominiums.

PETITION OF:

NAME:

Jay D. Livingstone

DISTRICT/ADDRESS:

8th Suffolk

HOUSE No. 3602

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 3602) of Jay D. Livingstone relative to secondhand smoke in condominiums. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to secondhand smoke in condominiums.

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. Section 127A of chapter 111 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following paragraph:-

3 The code shall provide that the presence of secondhand smoke or fumes in a
4 condominium building emanating from a unit where a resident or guest is or has been smoking
5 tobacco, marijuana or any other product or substance designed to be combusted or heated and
6 inhaled, shall be a condition deemed to endanger or materially impair the health or safety of
7 persons owning or residing in the surrounding units. If the local board of health finds that such
8 condition exists it: (1) shall issue a fine to the owner of such unit of no less than \$10 and no more
9 than \$500 a day until the smoke or fumes is no longer detectable, and the surrounding unit
10 owners are satisfied that their air is free of noxious smoke, vapor, and their odors; and (2) may
11 order the unit owner to seal the unit to fully contain the smoke or vapor or to refrain from
12 smoking, if the unit cannot be sealed to the satisfaction of other residents.

13 SECTION 2. Clause (e) of section 11 of chapter 183A of the General Laws, as so
14 appearing, is hereby amended by adding the following sentence:- Such restrictions shall include
15 a prohibition on smoking tobacco, marijuana or any other product or substance designed to be
16 combusted or heated and inhaled, in any common area or in any unit; provided, however, that
17 smoking shall be allowed in a unit if such unit is sealed, to the satisfaction of the affected
18 residents, so that smoke, fumes or vapors are unable to enter into common areas or other units.