

HOUSE No. 4257

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 the cancellation of physical fitness services.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marjorie C. Decker

25th Middlesex

HOUSE No. 4257

By Ms. Decker of Cambridge, a petition (subject to Joint Rule 12) of Marjorie C. Decker relative to the cancellation of certain physical fitness services. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the cancellation of physical fitness services.

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 78 of chapter 93 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Health club” the
3 following definition:-

4 “Physical fitness services”, any instruction, training or assistance in the preservation,
5 maintenance, encouragement or development of physical fitness, conditioning or well being
6 offered by a person, firm, corporation, partnership, unincorporated association, franchise or other
7 business enterprise.

8 SECTION 2. Said chapter 93, as so appearing, is hereby amended by striking out section
9 81 and inserting in place thereof the following section:-

10 Section 81. Every contract for health club services or physical fitness services shall
11 provide clearly and conspicuously in writing that such contract may be cancelled within 3
12 business days after the date of receipt by the buyer of a copy of the written contract or written

13 receipt indicating the buyer's payment for health club services or physical fitness services. The
14 contract for health club services or physical fitness services shall contain the following written
15 notice in at least 10 point bold type:

16 “CONSUMER'S RIGHT TO CANCELLATION. YOU MAY CANCEL THIS
17 CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION BY CAUSING A
18 WRITTEN NOTICE OF YOUR CANCELLATION TO BE DELIVERED IN PERSON OR
19 POSTMARKED BY CERTIFIED OR REGISTERED UNITED STATES MAIL WITHIN
20 THREE (3) BUSINESS DAYS OF THE DATE OF THIS CONTRACT OR THE DATE OF
21 YOUR RECEIPT TO THE ADDRESS SPECIFIED IN THIS CONTRACT.”

22 Notice of the buyer's right to cancel and the method of cancellation under this section
23 shall also be posted clearly and conspicuously on the premises of the health club.

24 The notice of the buyer's cancellation of the contract shall be in writing and delivered in
25 person or by certified or registered United States mail at the address specified in the contract.
26 Such notice shall be accompanied by the contract forms, membership cards and any other
27 documents or evidence of membership previously delivered to the buyer. All monies paid
28 pursuant to such contract shall be refunded within 15 business days of receipt of such notice of
29 cancellation. If the buyer has executed any credit or loan agreement to pay for all or part of the
30 health club services or physical fitness services, any such negotiable instrument shall be void
31 upon cancellation under this section and shall also be returned to the buyer within said 15 days.