

**SENATE . . . . . No. 1028**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Brian A. Joyce*

*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 to prohibit smoking in a multi-unit residence where an inhabitant uses oxygen.

PETITION OF:

NAME:

*Brian A. Joyce*

DISTRICT/ADDRESS:

*Norfolk, Bristol and Plymouth*

**SENATE . . . . . No. 1028**

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 1028) of Brian A. Joyce for legislation to prohibit smoking in a multi-unit residence where an inhabitant uses oxygen. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to prohibit smoking in a multi-unit residence where an inhabitant uses oxygen.

*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 of the General Laws, as appearing in the 2010 official  
2 edition, is hereby amended by inserting after section 22 the following section:-

3 As used in this section, the following words shall have the following meanings:

4 (a) "Common area" means every enclosed area of a senior housing building that residents  
5 of more than one unit of that building are entitled to enter or use, including but not limited to,  
6 halls, lobbies and courtyards, elevators and stairs, community rooms, gym facilities, swimming  
7 pool areas, parking garages, shared restrooms, shared laundry rooms, shared cooking areas, and  
8 shared eating areas.

9 (b) "Inhabitant" means any person legally entitled to reside in a unit.

10 (c) "Senior housing building" means any residential property restricted to adults aged 65  
11 and older that contains more than 3 units in a single building.

12 (d) "Unit" means a personal dwelling space, even where lacking cooking facilities or  
13 private plumbing facilities, and includes any associated exclusive use area.

14 (e) "Smoking" means the lighting of a cigar, cigarette, pipe or other tobacco product or  
15 possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be  
16 combusted and inhaled.

17 SECTION 2. When an inhabitant of a senior housing building uses oxygen for medical  
18 purposes, smoking is prohibited in all units and common areas.