

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Fargo, Susan (SEN)**

*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:

Fargo, Susan (SEN)

DISTRICT/ADDRESS:

Third Middlesex

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

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.

2 Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by  
3 inserting after section 61 the following new section:

4

5 Section 61A

6

7 (a) Definitions.

8

9 “Health care institution” as used in this section shall mean any individual, partnership,  
10 association, corporation or trust or any person or group of persons that provides health care  
11 services and employs health care providers licensed or subject to licensing by the

12 Massachusetts Department of Health under this chapter. This definition includes but is not  
13 limited to hospitals, clinics, health centers, pharmacies, and doctors' and dentists' offices.

14

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

17

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

21

22 (b) Prohibition of Tobacco Sales

23

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

26

27 (2) No retail establishment that operates or has a health care institution within it, shall sell or  
28 cause to be sold tobacco products, except that this prohibition shall not apply to buildings or  
29 sites where tobacco sales are conducted at a site with separate street entrances which are  
30 more than 75 feet from the site where health services are offered, and, where no interior

31 hallways or other passageways provide access to both the health care facility and the site of  
32 tobacco sales.

33

34 (3) The Board of Registration in Medicine and each board of registration within the Division  
35 of Health Professions Licensure, including but not limited to the Board of Registration in  
36 Nursing, the Board of Registration in Podiatry, the Board of Registration in Pharmacy, the  
37 Board of Registration in Optometry, and the Board of Registration of Chiropractors, shall  
38 promulgate regulations within 90 days of the effective date of this legislation which prohibit  
39 their licensees from working in their professional capacity in any retail establishment where  
40 tobacco products are sold or in workspaces leased within or from such retail establishment.

41

42 Section 2.

43 The Act shall take effect on October 1, 2010.