

# HOUSE . . . . . No. 5043

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, October 26, 2020.

The committee on Consumer Protection and Professional Licensure to whom were referred so much of the recommendations of the Department of the State Treasurer (House, No. 27) as relates to modernizing the Massachusetts alcohol laws (House, No. 28); so much of the recommendations of the Department of the State Treasurer (House, No. 27) as relates to authorizing charity alcohol auctions (House, No. 29); so much of the recommendations of the Department of the State Treasurer (House, No. 27) as relates to establishing an online lottery (House, No. 37); the petition (accompanied by bill, House, No. 109) of Shawn Dooley and Michael J. Soter that the Secretary of Health and Human Services promulgate a process for licensing and licensing renewal of personal care attendants; the petition (accompanied by bill, House, No. 191) of James Arciero, Patrick Joseph Kearney and Mathew J. Muratore relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 194) of Bruce J. Ayers and Carlos Gonzalez relative to the civilian certification of military medical personnel; the petition (accompanied by bill, House, No. 195) of Bruce J. Ayers relative to telemarketing solicitation; the petition (accompanied by bill, House, No. 198) of Jennifer E. Benson, Bud L. Williams and Paul F. Tucker relative to wholesale alcoholic beverage purchases; the petition (accompanied by bill, House, No. 201) of Daniel Cahill relative to discounted prices for alcoholic beverages; the petition (accompanied by bill, House, No. 203) of Daniel R. Carey and John Barrett, III relative to licensure of equine dentists; the petition (accompanied by bill, House, No. 204) of Daniel R. Carey and John Barrett, III relative to equine dentistry; the petition (accompanied by bill, House, No. 206) of Tackey Chan relative to the issuance of class 1 dealers' licenses; the petition (accompanied by bill, House, No. 208) of Tackey Chan relative to large project based alcoholic beverages licenses; the petition (accompanied by bill, House, No. 213) of Tackey Chan relative to thoroughbred breeding; the petition (accompanied by bill, House, No. 216) of Edward F. Coppinger and others relative to the

definition of users and intended users in real property appraisal assignments and reports; the petition (accompanied by bill, House, No. 217) of Joseph Golden for legislation to establish a board of examiners of motor vehicle mechanics; the petition (accompanied by bill, House, No. 219) of Mark J. Cusack for legislation to authorize cities and towns to assess a fee for the sale of a liquor license by a licensee to another licensee; the petition (accompanied by bill, House, No. 221) of Josh S. Cutler and others relative to telemarketing solicitation; the petition (accompanied by bill, House, No. 223) of Michael S. Day and others relative to the security of personal financial information; the petition (accompanied by bill, House, No. 224) of Michael S. Day and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 226) of Shawn Dooley, Michael J. Soter and Todd M. Smola for an investigation by a special commission (including members of the General Court) relative to fairness in liquor licensing; the petition (accompanied by bill, House, No. 227) of William J. Driscoll, Jr. and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 228) of Peter J. Durant and Joseph D. McKenna relative to the performance of electrical work by single family homeowners; the petition (accompanied by bill, House, No. 232) of Ann-Margaret Ferrante relative to thoroughbred breeding; the petition (accompanied by bill, House, No. 233) of Michael J. Finn relative to the size of alcoholic beverage containers; the petition (accompanied by bill, House, No. 234) of Michael J. Finn relative to certain appeals of actions of licensing boards or officers of the approval and granting of class 1 motor vehicle dealer licenses; the petition (accompanied by bill, House, No. 235) of Michael J. Finn for legislation to prohibit the sale of alcoholic beverages at retail by automated or self-checkout; the petition (accompanied by bill, House, No. 237) of Sean Garballey relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 239) of Colleen M. Garry relative to the listing of the alcohol by volume for beer selections on menus; the petition (accompanied by bill, House, No. 240) of Colleen M. Garry relative to notification of alcohol by volume in beers to be consumed on the premises; the petition (accompanied by bill, House, No. 241) of Colleen M. Garry and Michael J. Soter for legislation to restrict sales of certain items and products at flea markets, so-called; the petition (accompanied by bill, House, No. 242) of Colleen M. Garry relative to sonographers and vascular technologists; the petition (accompanied by bill, House, No. 243) of Carmine Lawrence Gentile relative to the protection of personal identity; the petition (accompanied by bill, House, No. 244) of

Susan Williams Gifford for legislation to establish a board of registration of phlebotomists; the petition (accompanied by bill, House, No. 246) of Patricia A. Haddad and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 247) of Richard M. Haggerty and Brian W. Murray relative to exempting certain school stadiums from plumbing regulations; the petition (accompanied by bill, House, No. 249) of Jonathan Hecht and others for legislation to increase transparency and trust in charitable solicitations; the petition (accompanied by bill, House, No. 250) of Bradford Hill and others for legislation to require physicians and physicians assistants to certify being trained in eating disorders when applying to renew their licenses; the petition (accompanied by bill, House, No. 251) of Kate Hogan, Kimberly N. Ferguson and others for legislation to authorize temporary licenses for the sale of alcoholic beverages to nonprofit charitable corporations; the petition (accompanied by bill, House, No. 252) of Kate Hogan and others that the Alcoholic Beverages Control Commission be authorized to establish farmer-cidery licenses and authorizing the sale of farmer-cidery products at farmers' markets; the petition (accompanied by bill, House, No. 253) of Steven S. Howitt and others relative to the displaying of motor fuel prices based on the method of payment; the petition (accompanied by bill, House, No. 254) of Steven S. Howitt relative to regulating lottery funding to certain cities and towns; the petition (accompanied by bill, House, No. 256) of Steven S. Howitt relative to funeral homes and charitable foundations; the petition (accompanied by bill, House, No. 257) of Steven S. Howitt relative to out-of-state purchases at auto auctions; the petition (accompanied by bill, House, No. 258) of Steven S. Howitt, Jonathan Hecht and Adam G. Hinds relative to the retail sale of certain malt beverages; the petition (accompanied by bill, House, No. 259) of Steven S. Howitt relative to background checks for bidders at auto auctions; the petition (accompanied by bill, House, No. 261) of Steven S. Howitt for legislation to prevent the automatic signing up of consumers for products or services; the petition (accompanied by bill, House, No. 262) of Daniel J. Hunt, Joseph F. Wagner and José F. Tosado relative to further regulating business practices between motor vehicle dealers, manufacturers, and distributors; the petition (accompanied by bill, House, No. 263) of Daniel J. Hunt and Jon Santiago relative to certain billboards, signs and advertising devices; the petition (accompanied by bill, House, No. 264) of Daniel J. Hunt relative to billboard advertising in the Commonwealth; the petition (accompanied by bill, House, No. 265) of Daniel J. Hunt, Daniel R. Cullinane and Paul Brodeur for legislation to require transparency in solicitations via telephone

and similar devices; the petition (accompanied by bill, House, No. 266) of Randy Hunt and others relative to the sale of wines and malt beverages on the premises of certain establishments; the petition (accompanied by bill, House, No. 267) of Ralph M. Crossen regulating complaints from clients against home inspectors; the petition (accompanied by bill, House, No. 268) of Bradley H. Jones, Jr., and others relative to sales of alcoholic beverage at discounted prices at certain establishments; the petition (accompanied by bill, House, No. 269) of Bradley H. Jones, Jr., and others relative to the definition of cider; the petition (accompanied by bill, House, No. 270) of Bradley H. Jones, Jr., and others relative to written agreements between manufacturers and distributors of alcoholic beverages; the petition (accompanied by bill, House, No. 271) of Bradley H. Jones, Jr., and others relative to the notice of discontinuance of sales by alcoholic beverage manufacturers, importers and wholesalers; the petition (accompanied by bill, House, No. 272) of Bradley H. Jones, Jr., and others for legislation to authorize pub brewers to sell at retail certain malt beverages and products on Sundays and legal holidays; the petition (accompanied by bill, House, No. 274) of Bradley H. Jones, Jr., and others for legislation to remove the prohibition of discrimination against cash buyers; the petition (accompanied by bill, House, No. 275) of Bradley H. Jones, Jr., and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 279) of John J. Lawn, Jr., Brian W. Murray and Paul McMurtry relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 281) of David Paul Linsky relative to alcohol sales on Thanksgiving; the petition (accompanied by bill, House, No. 282) of David Paul Linsky and Jonathan Hecht relative to business practices between motor vehicle manufacturers, distributors and dealers; the petition (accompanied by bill, House, No. 283) of John J. Mahoney for legislation to reduce discriminatory restrictions by enhancing transparency in ticket sales; the petition (accompanied by bill, House, No. 284) of John J. Mahoney relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 285) of John J. Mahoney and Angelo M. Scaccia relative to apportionment of lottery revenues; the petition (accompanied by bill, House, No. 287) of Ronald Mariano and others for legislation to protect the privacy and security of biometric information; the petition (accompanied by bill, House, No. 288) of Joseph W. McGonagle, Jr., relative to continuing education requirements for persons holding licenses as real estate brokers or salesmen; the petition (accompanied by bill, House, No. 289) of Joseph D. McKenna relative to returning liquor license control to cities and towns;

the petition (accompanied by bill, House, No. 290) of Joseph D. McKenna and others relative to returning liquor license control to cities and towns; the petition (accompanied by bill, House, No. 293) of Paul McMurry and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 296) of Paul McMurry and Susannah M. Whipps for legislation to allow non-profits and charities to purchase alcohol from retail package stores for use at charitable events; the petition (accompanied by bill, House, No. 297) of Paul McMurry relative to claiming charitable raffle prizes; the petition (accompanied by bill, House, No. 298) of Paul McMurry for legislation to exempt certain pools from certain licensing requirements; the petition (accompanied by bill, House, No. 299) of Paul McMurry, Shaunna L. O'Connell and Susannah M. Whipps relative to the privacy of lottery winners; the petition (accompanied by bill, House, No. 300) of Paul McMurry and John J. Lawn, Jr., for legislation to require that certain pawned items be photographed and cataloged; the petition (accompanied by bill, House, No. 301) of Paul McMurry for legislation to establish requirements for licensure as an associate home inspector; the petition (accompanied by bill, House, No. 302) of Paul McMurry and others relative to notifying automobile lien holders of certain towing and storage costs; the petition (accompanied by bill, House, No. 303) of Paul McMurry and Susannah M. Whipps for legislation to allow non-profits and charities to purchase alcohol from retail package stores for use at charitable events; the petition (accompanied by bill, House, No. 307) of Joan Meschino and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 309) of Lenny Mirra and others that the Division of Professional Licensure be directed to amend the Uniform State Plumbing Code and associated regulations to include a category of agricultural buildings and operations; the petition (accompanied by bill, House, No. 312) of Michael J. Moran relative to reporting requirements for corporations that bring, carry or transport wine, beer or distilled spirits; the petition (accompanied by bill, House, No. 313) of Michael J. Moran relative to the application of the remaining provisions of statutes governing the taxation, distribution and sale of alcoholic beverages in cases when certain provisions are deemed unconstitutional; the petition (accompanied by bill, House, No. 314) of Michael J. Moran and Tommy Vitolo relative to the termination of sales to wholesalers by suppliers of alcoholic beverages; the petition (accompanied by bill, House, No. 316) of Louise Vogel relative to imposing surcharges on cardholders who elect to use credit cards in lieu of payment by cash, check or similar means; the petition (accompanied by bill, House,

No. 318) of Jacob Kohl relative to alcoholic beverages tastings; the petition (accompanied by bill, House, No. 321) of David M. Nangle relative to the cancellation of gym memberships; the petition (accompanied by bill, House, No. 322) of Harold P. Naughton, Jr., and Josh S. Cutler for legislation to promote horse racing in the Commonwealth; the petition (accompanied by bill, House, No. 323) of Jerald A. Parisella and others relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 324) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be exempt from certain provisions of the state plumbing code at all municipal seasonal beach facilities in said town; the petition (accompanied by bill, House, No. 325) of Alice Hanlon Peisch for legislation to regulate transient vendors, hawkers and peddlers; the petition (accompanied by bill, House, No. 326) of Alice Hanlon Peisch and others relative to the filing of annual returns by small public charities; the petition (accompanied by bill, House, No. 328) of Elizabeth A. Poirier and others relative to the sale of children's jewelry; the petition (accompanied by bill, House, No. 329) of Elizabeth A. Poirier for legislation to prohibit businesses from misrepresenting the geographic location of such businesses in local telephone directories; the petition (accompanied by bill, House, No. 330) of Elizabeth A. Poirier for legislation to authorize Jefte Rivera to apply for a certificate B journeyman electrician license; the petition (accompanied by bill, House, No. 332) of Elizabeth A. Poirier relative to providing consumers with protections from vendors providing retail sales or services in spaces other than fixed building sites; the petition (accompanied by bill, House, No. 333) of Denise Provost and James K. Hawkins relative to direct mailings; the petition (accompanied by bill, House, No. 334) of Denise Provost and others relative to local control of liquor licenses; the petition (accompanied by bill, House, No. 336) of Angelo J. Puppolo, Jr., and Bud L. Williams relative to the transportation, storage and sale of used bedding; the petition (accompanied by bill, House, No. 337) of Angelo J. Puppolo, Jr., and Bud L. Williams relative to notification to licensees of applications for the sale of alcoholic beverages; the petition (accompanied by bill, House, No. 338) of Jeffrey N. Roy relative to inducements in the purchase and sale of alcoholic beverages; the petition (accompanied by bill, House, No. 339) of Jeffrey N. Roy relative to alcohol purchasing discounts; the petition (accompanied by bill, House, No. 340) of Daniel J. Ryan and David Biele relative to the motor vehicle right to repair law and consumer rights; the petition (accompanied by bill, House, No. 341) of Angelo M. Scaccia for legislation to provide for the distribution of lottery funds to cities and towns in direct proportion to the

total revenues accruing from lottery sales in each such municipality; the petition (accompanied by bill, House, No. 344) of Michael J. Soter and others relative to the storage of certain alcoholic beverages; the petition (accompanied by bill, House, No. 345) of Theodore C. Speliotis relative to the issuance of coupons to customers for the purchase of alcoholic beverages; the petition (accompanied by bill, House, No. 346) of Theodore C. Speliotis relative to the experience and background necessary to operate low pressure processed steam boilers; the petition (accompanied by bill, House, No. 347) of Theodore C. Speliotis relative to the solicitation of charitable donations for profit; the petition (accompanied by resolve, House, No. 348) of Theodore C. Speliotis and others for an investigation by a special commission (including members of the General Court) for the purpose of studying the issue of telephone and internet scams targeting elderly residents of the Commonwealth; the petition (accompanied by bill, House, No. 349) of William M. Straus for legislation to further regulate advertising on the Internet; the petition (accompanied by bill, House, No. 350) of William M. Straus, Louis L. Kafka and Daniel J. Hunt relative to the online collection of personal information from children and minors; the petition (accompanied by bill, House, No. 351) of William M. Straus relative to farmer-wineries license fees; the petition (accompanied by bill, House, No. 352) of William M. Straus, Louis L. Kafka and Michelle M. DuBois for legislation to regulate robocalls to mobile telephone devices; the petition (accompanied by bill, House, No. 353) of Alyson M. Sullivan and others relative to gas fitters licenses for employees of gas companies; the petition (accompanied by bill, House, No. 354) of David T. Vieira relative to annual reports of public charities; the petition (accompanied by bill, House, No. 355) of David T. Vieira relative to the continuing education requirements for certain real estate appraisers and trainees; the petition (accompanied by bill, House, No. 357) of Joseph F. Wagner relative to the sale of alcoholic beverages not to be drunk on the premises in certain establishments; the petition (accompanied by bill, House, No. 358) of Joseph F. Wagner relative to further regulating telephone solicitation; the petition (accompanied by bill, House, No. 359) of Timothy R. Whelan and others relative to increasing the penalties to motor vehicle dealers for certain sales of used police vehicles; the petition (accompanied by bill, House, No. 360) of Timothy R. Whelan and others for legislation to authorize consolidated purchasing of alcoholic beverages by certain licensees; the petition (accompanied by bill, House, No. 362) of Susannah M. Whipps and others relative to providing additional consumer protections in the repair of damaged motor vehicles; the petition (accompanied by bill, House, No.

363) of Jonathan D. Zlotnik and others relative to the selling of malt beverages or malt beverage products produced by a pub brewery; the petition (accompanied by bill, House, No. 3548) of Daniel Cahill and others relative to establishing an online lottery; the petition (accompanied by bill, House, No. 3599) of Tommy Vitolo and others relative to certain rental car fees; the petition (accompanied by bill, House, No. 3600) of David M. Rogers and others relative to labeling by professional cosmetic manufacturers; the petition (accompanied by bill, House, No. 3648) of Todd M. Smola and Mathew J. Muratore for legislation to expand the motor vehicle right to repair law; the petition (accompanied by bill, House, No. 3707) of Linda Dean Campbell and others relative to licensing of mental health counselors; the petition (accompanied by bill, House, No. 3708) of Peter J. Durant, Joseph D. McKenna and Shaunna L. O'Connell relative to limiting the salaries of executives in non-profit organizations; the petition (accompanied by bill, House, No. 3753) of John Barrett, III and others for legislation to limit consumer exposure to deceptive calling practices; the petition (accompanied by bill, House, No. 3798) of Daniel R. Carey for legislation to create direct dental care agreements; the petition (accompanied by bill, House, No. 3807) of Jennifer E. Benson and others for legislation to establish a student tuition recovery fund to be administered by the Attorney General; the joint petition (accompanied by bill, House, No. 3829) of Paul McMurtry, Michael F. Rush and others relative to a specialty pharmacy in Greater Boston Urology; the petition (accompanied by bill, House, No. 3966) of Christopher Hendricks and Susannah M. Whipps relative to civil actions for unfair or deceptive practices; and the petition (accompanied by bill, House, No. 4122) of Paul McMurtry and others relative to motor vehicle owners' and independent repair facilities' access to vehicle on-board diagnostic systems, reports the accompanying order (House, No. 5043) ought to be adopted.

For the committee,

TACKEY CHAN.



**The Commonwealth of Massachusetts**



*House of Representatives, October 26, 2020.*

1           *Ordered*, That the committee on Consumer Protection and Professional Licensure be  
2 authorized to sit during a recess of the General Court to make an investigation and study of  
3 House documents numbered 28, 29, 37, 109, 191, 194, 195, 198, 201, 203, 204, 206, 208, 213,  
4 216, 217, 219, 221, 223, 224, 226, 227, 228, 232, 233, 234, 235, 237, 239, 240, 241, 242, 243,  
5 244, 246, 247, 249, 250, 251, 252, 253, 254, 256, 257, 258, 259, 261, 262, 263, 264, 265, 266,  
6 267, 268, 269, 270, 271, 272, 274, 275, 279, 281, 282, 283, 284, 285, 287, 288, 289, 290, 293,  
7 296, 297, 298, 299, 300, 301, 302, 303, 307, 309, 312, 313, 314, 316, 318, 321, 322, 323, 324,  
8 325, 326, 328, 329, 330, 332, 333, 334, 336, 337, 338, 339, 340, 341, 344, 345, 346, 347, 348,  
9 349, 350, 351, 352, 353, 354, 355, 357, 358, 359, 360, 362, 363, 3548, 3599, 3600, 3648, 3707,  
10 3708, 3753, 3798, 3807, 3829, 3966 and 4122, relative to licensing, right to repair law, consumer  
11 safety and rights.

12           Said committee shall report to the General Court the results of its investigation and study  
13 and its recommendations, if any, together with drafts of legislation necessary to carry such  
14 recommendations into effect, by filing the same with the Clerk of the House of Representatives  
15 on or before December 31, 2020.