

**HOUSE . . . . . No. 5176**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, December 22, 2008.

The committee on Health Care Financing to whom was referred the report of the Special Commission established (under Chapter 2 of the Resolves of 2007), providing for an investigation and study relative to examining hygienic procedures relative to band instruments (House, No. 5124), reports recommending that the accompanying bill (House, No. 5176) ought to pass.

For the committee,

PATRICIA A. WALRATH.

**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Eight.

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AN ACT REQUIRING THE STERILIZATION OF MUSICAL INSTRUMENTS IN SCHOOLS.

*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 71 of the General Laws is hereby  
2 amended by inserting after section 55C the following section:—  
3 Section 55D. Any musical wind instrument provided by any  
4 school, public or private, to a student in grades pre-K through 12,  
5 for any instruction or activity of any nature, shall be thoroughly  
6 sterilized prior to issuance to each student who uses such instru-  
7 ment. Such musical wind instruments shall be sterilized through a  
8 process destroying all microbial life including, but not limited to,  
9 bacteria, fungi, viruses and endspores. The sterilization shall be  
10 performed by the school issuer using a certified sterilant approved  
11 by the environmental protection agency and the process protocol  
12 shall be established by the department of public health. Compli-  
13 ance and enforcement shall be under the jurisdiction of the depart-  
14 ment of public health. Notification of this section shall be  
15 conducted by the department of public health which shall notify  
16 all superintendents of schools. This section shall be applicable to  
17 all musical wind instruments other than newly purchased instru-  
18 ments in this manufacturer's original packaging.

1 SECTION 2. This act shall take effect on January 1, 2010.