

ANDERSON KREIGER

SUMMARY OF BOARD OF HEALTH AUTHORITY©

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In Massachusetts, local boards of health have broad authority under the Massachusetts General Laws to protect public health in the following areas, among others:

- **Food Preparation and Safety**

- Enforcement of laws regarding the adulteration or misbranding of food and drugs. G.L. c. 94, §§ 186-195.
- Bottling of non-alcoholic beverages. G.L. c. 94, §§ 10A-10G.
- Manufacturing of frozen desserts. G.L. c. 94, §§ 64H, 64I.
- Enforcement of statutory standards for bakeries. G.L. c. 94, §§ 2-10.
- Inspection of cold storage or refrigeration warehouses. G.L. c. 94, §§ 67-68.
- Handling, sale and inspection of milk. G.L. c. 94, §§ 16J; 33-35.

- **Water Quality**

- Regulation of fluoride levels in drinking water (subject to minimums set by the State Department of Public Health). G.L. c. 111, § 8C.
- Hazardous chemicals in the municipal water supply. G.L. c. 111, § 26F.
- Safety and adequacy of water for domestic purposes and restaurants. G.L. c. 111, § 122A.
- Enforcement of the state sanitary code. G.L. c. 111, §§ 127A; 127I.
- Provision of water at industrial establishments and construction projects. G.L. c. 149, § 106.

- **Agricultural Practices**

- Operation of farms in a manner that presents a nuisance. G.L. c. 111, § 125A.
- Slaughterhouses in cities and towns of more than 5,000 people. G.L. c. 111, § 151.
- Killing and rendering of horses and other animals. G.L. c. 111, § 154.
- Stables in cities and towns of more than 5,000 people. G.L. c. 111, § 155.
- Dressing of poultry. G.L. c. 94, § 153.

- **Waste Disposal**

- The removal, transportation or disposal of garbage. G.L. c. 111, § 31B.
- The construction, maintenance or alteration of cesspools and septic tanks. G.L. c. 111, §§ 31D; 31E.
- House drainage and connection with common sewers. G.L. c. 111, § 127.
- The siting of solid waste disposal facilities (in conjunction with MassDEP). G.L. c. 111, §§ 150A-150A½.
- The siting of hazardous waste disposal facilities. G.L. c. 111, § 150B.
- Atmospheric pollution, subject to approval by MassDEP. G.L. c. 111, § 31C.

- **Public Health**

- Vaccination where necessary for public health or safety. G.L. c. 111, §§ 181-182.
- Testing and monitoring of pools and swimmable waters (beaches, ponds, etc.). G.L. c. 111, § 5S.
- The location of cemeteries and burial grounds. G.L. c. 114, § 37.
- Mosquito breeding areas. G.L. c. 252, § 5B.

- **Certain Trades and their Locations**

- Assignment of locations for “noisome” trades. G.L. c. 111, §§ 143-150.
- Tanning facilities. G.L. c. 111, §§ 207-214.
- Licensing and inspection of campgrounds and manufactured housing communities. G.L. c. 140, §§ 32A-32C.
- Certification of public lodging houses. G.L. c. 140, § 36.
- Massage parlors and baths. G.L. c. 140, § 51.
- Licensing of funeral directors. G.L. c. 114, § 49.

- **General Powers**

- The abatement, prevention and removal of nuisances. G.L. c. 111, §§ 122; 123-125.
- Inspection and enforcement regarding homes deemed to be unfit for human habitation. G.L. c. 111, §§ 127B-127G.
- Making and enforcing reasonable health regulations generally. G.L. c. 111, § 31. NOTE: This power is very broad and has been upheld by Massachusetts courts in a variety of areas, including the keeping of swine and, more recently, the sale of tobacco products.