

HOUSE No. 2798

By Mr. Carney of Lynn, petition of Otis H. Peluso relative to the powers and duties of local boards of health as to certain laws affecting food, drugs and cosmetics. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT RELATIVE TO THE POWERS AND DUTIES OF LOCAL BOARDS OF HEALTH AS TO CERTAIN LAWS AFFECTING FOOD, DRUGS AND COSMETICS.

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. Section 191 of chapter 94 of the General Laws
2 is hereby amended by inserting after the first sentence, as ap-
3 pearing in section 8 of chapter 600 of the acts of 1960, the fol-
4 lowing new sentence: — The department of public health and/or
5 the director of bureau of consumer's products, division of food
6 and drugs, shall in writing, notify the local boards of health of
7 any new addition or deletions to laws pertaining to food and
8 drugs which affects the authority of local boards of health prior
9 to a public hearing.

1 SECTION 2. Section 187A of said chapter 94 is hereby amended
2 by striking out the first sentence, as appearing in chapter 200 of
3 the acts of 1960, and inserting in place thereof the following
4 sentences: — The department of public health and local boards
5 of health shall enforce the provisions of this section. Said de-
6 partment and the board of registration in pharmacy acting
7 jointly may make such rules and regulations as they deem nec-
8 essary for the proper enforcement thereof.

1 SECTION 3. Section 189A of said chapter 94 is hereby amended
2 by striking out the first sentence, as appearing in section 5 of
3 chapter 600 of the acts of 1961, and inserting in place thereof

4 the following sentence: — Whenever the commissioner of pub-
5 lic health or his duly authorized agent, or a member of a local
6 board of health or an agent of said board, finds or has probable
7 cause to believe based upon inspection or chemical, bacteri-
8 ological or physical examination, that any food, drug, cosmetic
9 or device is adulterated or misbranded, he shall affix or cause
10 to be affixed to such article a tag or other appropriate marking,
11 giving notice that such article is or is suspected of being adul-
12 terated or misbranded and has been detained or embargoed for
13 a period of ten days in the case of food and for a period of fifteen
14 days in the case of drugs, cosmetics or devices, and warning all
15 persons not to remove or dispose of such article by sale or other-
16 wise until permission for removal or disposal is given by said
17 commissioner, his agent, or the court; provided, any such article
18 may at the discretion of the manufacturer or claimant be
19 removed from public display but shall not be removed from the
20 immediate premises.