

HOUSE No. 1230

By Mr. Flaherty of Boston, petition of Michael F. Flaherty and another for legislation to establish a bureau of consumer products protection in the Department of Public Health under the direction of the Director of Food and Drugs. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT ESTABLISHING A BUREAU OF CONSUMER PRODUCTS PROTECTION IN THE DEPARTMENT OF PUBLIC HEALTH UNDER THE DIRECTION OF THE DIRECTOR OF FOOD AND DRUGS.

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 17 of the General Laws is hereby
2 amended by striking out section 4 and inserting in place there-
3 of the following new section (4):—

4 *Section 4.* There shall be in the department a bureau of
5 consumer products protection, which shall include the division
6 of food and drugs. Said bureau shall be under the charge di-
7 rection and supervision of the director of food and drugs who
8 shall be directly responsible to the commissioner of public
9 health. There shall be in said bureau a section of drugs con-
10 trol, bedding and upholstered furniture, meat and poultry in-
11 spection, a fish inspection section and such other sections as
12 the director, with the approval of the department may from
13 time to time determine. There shall be in the department such
14 divisions as the commissioner, with the approval of the public
15 health council, may from time to time determine. The com-
16 missioner shall, subject to the approval of the public health
17 council, appoint a director who shall take charge of each di-
18 vision. Each such director shall be subject to chapter thirty-
19 one. The commissioner may require that a physician who is
20 to be appointed a director be certified as to his qualifications

21 by a committee of deans of the medical schools in Massachu-
22 setts.

1 SECTION 2. Chapter 111 of the General Laws is hereby
2 amended by striking out section 9 and inserting in place there-
3 of the following new section 9:—

4 *Section 9.* The bureau of consumer products protection
5 shall be responsible for the enforcement of all laws, rules and
6 regulations pertaining to food, drugs, milk, poultry, meat, sea-
7 foods, cosmetics, devices, bedding and upholstered furniture,
8 hazardous substances, the registration of pesticides and mat-
9 ters pertaining to veterinary services relative to public health.
10 Inspectors, analysts, and chemists employed by the Division of
11 Food and Drugs may be appointed and removed by the Com-
12 missioner of Public Health upon the recommendations of the
13 Director of the Division of Food and Drugs. Such inspectors
14 shall, in addition to the powers given by sections one hundred
15 and twenty-one to one hundred and twenty-three inclusive, of
16 chapter ninety-four, have the same powers and authority rela-
17 tive to food, drugs, milk, seafoods, cosmetics, devices, bedding
18 and upholstered furniture, hazardous substances and the regis-
19 tration of pesticides, as is given inspectors of milk by sections
20 thirty-five and sixty of said chapter. Such inspectors shall, in
21 the enforcement of laws relative to narcotics and harmful
22 drugs, have all the powers and authority of police officers and
23 constables except the power to serve civil process. Inspectors
24 assigned to investigate violations of laws relative to narcotics
25 or harmful drugs may at the request of the commissioner
26 carry revolvers, handcuffs, and any other paraphernalia nec-
27 essary for the protection and the enforcement of such laws.
28 The director of food and drugs shall have the authorities
29 granted the above inspectors, analysts, and chemists by this
30 section. Whoever hinders, obstructs or in any way interferes
31 with any such inspector, analyst or chemist or the director of
32 food and drugs in the performance of his official duty shall for
33 the first offense be punished by a fine of not more than fifty
34 dollars, and for a subsequent offense by a fine of not more
35 than one hundred dollars.

1 SECTION 3. Nothing in this act shall affect the present term
2 or tenure of members of the public health council or of the
3 commissioner of public health. The officers and employees of
4 the department of public health serving therein upon the ef-
5 fective date of this act, who are subject to the civil service
6 laws and all others who have attained tenure shall continue
7 to serve in the department without impairment of their civil
8 service or other rights and such employees shall retain any
9 step-rate increases from the minimum pay of their grade,
10 earned during their service with the department, and, for re-
11 tirement purposes, their services with the departmnt shall be
12 deemed to be creditable service; and officers and employees of
13 said department, on said effective date, shall, for the purposes
14 of determining their period of service under the provisions of
15 sections nine A and nine B of chapter thirty of the General
16 Laws, be considered to have been in the service of the depart-
17 ment from the date of their original appointment or employ-
18 ment without interruption by the enactment of this act.

