

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione and Kevin P. Blanchette relative to rules and regulations of the Department of Public Health concerning certain correctional facilities. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT FURTHER REGULATING THE DEPARTMENT OF PUBLIC HEALTH.

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 111 of the General Laws is hereby
2 amended by striking out section 20, as most recently amend-
3 ed by section 4 of chapter 777 of the acts of 1972, and inserting
4 in place thereof the following section: —

5 *Section 20.* At least twice each year the department shall,
6 biannually, inspect each correctional institution, as defined in
7 section one of chapter one hundred twenty-five, and shall, an-
8 nually, inspect each lockup established pursuant to the provi-
9 sions of section thirty-four of chapter forty or under the
10 jurisdiction of the metropolitan district commission or the
11 state police, and shall file a report of its findings and recom-
12 mendations, with respect to the compliance of each such facili-
13 ty with the rules and regulations promulgated under the
14 authority of section twenty-one, with the department of cor-
15 rection, the secretary of human services, the superintendent
16 or administrator of each such facility and the general court.

1 SECTION 2. Said chapter 111 is hereby further amended by
2 striking out section 21, as most recently amended by chapter
3 274 of the acts of 1968, and inserting in place thereof the follow-
4 ing section: —

5 *Section 21.* The department shall make rules and regulations
6 for police station houses, lockups, houses of detention, jails,

7 houses of correction, prisons and reformatories, regarding the
8 care and use of drinking cups and of dishes used for food, the
9 care and use of bedding, appropriate clothing for detainees,
10 the ventilation of the buildings, the minimum plumbing
11 facilities for human habitation, and the general health and
12 safety of the detainee. A copy of such rules as are applicable
13 to station houses, houses of detention or lockups shall be sent
14 by the said department to the mayor of every city and to the
15 selectmen of every town to which the rules apply; and a copy
16 of such rules as are applicable to jails, houses of correction,
17 prisons or reformatories shall be sent by the department to
18 the proper authorities. Said officials shall enforce said rules.
19 The commissioner shall, following a public hearing, cause
20 any facility failing to comply with the rules and regulations
21 promulgated under the authority of this section to close until
22 said facility is found to be in compliance and receives written
23 notification from the department to that effect.

1 SECTION 3. Said chapter 111 is hereby further amended by
2 striking out section 22, as most recently amended by section
3 96 of chapter 350 of the acts of 1919, and inserting in place
4 thereof the following section: —

5 *Section 22.* No station house, house of detention or lockup shall
6 be built until the department has approved, in writing, the
7 plans for the provisions for lighting, heating, ventilation and
8 plumbing, the dimensions and form of construction and the
9 location of the cells. The commissioner may cause any facili-
10 ty failing to comply with the provisions of this section to close
11 until such time as the department has approved the plans of
12 such facility and has inspected the facility in accordance with
13 the provisions of section twenty.