

Massachusetts Specific Public Health Law

MHOA CONFERENCE – OCTOBER 2022
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MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS

1799 - Paul Revere was named Chairman of the City of Boston's Board of Health, the first in the country.



Legal Authority to Regulate Public Health and Safety – G.L. c. 111, § 31

- ***Tri-Nel Management, Inc. v. Board of Health of Barnstable, 433 Mass. 217 (2001)***
 - “Through the plain language of G.L. c. 111, §31, the Legislature has delegated to boards of health the authority to “make **reasonable health regulations.**”
- ***Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).***
 - “The protection of public health is within the **police power** of the municipality to **protect the health, safety and welfare of its residents.**” (*Id.*)
 - It is a widely accepted function of government to protect public health, **even at the expense of an individual’s freedom.** (*Id.*)
 - “***The right to engage in business must yield to the paramount right of government to protect the public health by any rational means.***” (*Id.*)

Legal Authority to Regulate Public Health and Safety

- *Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).*
 - Board of health regulations “**stand on the same footing as would a statute, ordinance or by-law.**” (*Id.*)
 - “**All rational presumptions** are made in favor of the validity of [the regulations].” (*Id.*)
- *Arthur D. Little, Inc. v. Com’r of Health for Cambridge, 395 Mass. 535 (1985).*
 - Courts will only strike a board of health regulation when **the challenger proves, on the record, “the absence of any conceivable ground upon which [the regulation] may be upheld.”**
- *Padden v. West Boylston, 445 Mass. 1104 (2005).*
 - “A party challenging a board of health regulation must prove that it is **illegal, arbitrary, or capricious, and must establish an absence of any conceivable grounds** upon which the regulation may be upheld.”

