

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring municipal control in public health systems.

PETITION OF:

NAME:

Peter J. Durant
Julie Booras

DISTRICT/ADDRESS:

Worcester and Hampshire

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act ensuring municipal control in public health systems.

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 224 of Chapter 238 of the Acts of 2024 is hereby amended by
2 inserting at the end of subsection (c) the following sentence:-

3 Prior to adopting any foundational public health service standards, the department shall
4 hold properly noticed public hearings pursuant to section 2 of chapter 30A of the General Laws.
5 No municipality may adopt any foundational public health service standards, or establish and
6 enter into an Inter-Municipal Agreement pursuant to Section 224 of Chapter 238 of the Acts of
7 2024, without the prior approval of the city council or town meeting by a two thirds vote.

8 SECTION 2. Subsection (d)(i) of Section 224 of Chapter 238 of the Acts of 2024 by
9 striking, in the first line, the word shall and inserting the place thereof the following words “may
10 voluntarily”.

11 SECTION 3. Subsection (f)(1) of Section 224 of Chapter 238 of the Acts of 2024 by
12 striking the words implement and comply with the standards developed pursuant to subsections

13 (b) and (c) and inserting in the place thereof the following words:- “assist boards to adopt
14 practices to improve the efficiency and effectiveness of the delivery of public health services”.

15 SECTION 4. Subsection (C)(iii) of Section 224 of Chapter 238 of the Acts of 2024 is
16 hereby amended by striking the words annual noncompetitive funding to ensure that all residents
17 of the commonwealth are provided with foundational public health services that meet or exceed
18 the standards set pursuant to this section; provided, however, that funds provided pursuant to this
19 clause shall be distributed based on the level of implementation of the standards established in
20 this section and using a formula based on population, level of cross-jurisdictional sharing and
21 sociodemographic data; provided further, that to receive funding pursuant to this clause, a board
22 of health shall submit an annual report to the department and the department of environmental
23 protection that: (A) demonstrates progress or implementation of the standards; and (B) confirms
24 that funding provided pursuant to this clause shall supplement and shall not replace existing
25 state, local, private or federal funding to boards of health and regional health districts; provided
26 further, that the report shall not require data that is otherwise reported to the department under
27 subsection (d); provided further, local governments shall be granted relief from the department
28 for good cause, including, but not limited to economic or fiscal hardship; and provided further,
29 that data demonstrating implementation and compliance with the standards shall be submitted in
30 a form prescribed by the department.

31 SECTION 5. Subsection (k) of Section 224 of Chapter 238 of the Acts of 2024 is hereby
32 amended by striking the following words Notwithstanding any general or special law to the
33 contrary, if the commissioner, the commissioner of environmental protection or their authorized
34 representatives determine that failure to meet standards established in subsections (b) and (c) in a
35 timeframe consistent with the timeframe established in subsection (d) constitutes a threat to

36 public health, they shall, in writing, notify the appropriate board of health of such determination
37 and request that the board of health, in writing, notify the department of actions taken to effect
38 appropriate protection. If the commissioner is not so notified or, if after notification, the
39 commissioner determines the such actions are not sufficient to protect public health, the
40 department may restrict future funding provided under clause (iii) of subsection (f) and shall
41 report these insufficiencies in its report issued under subsection (j).

42 SECTION 6. Section 224 of Chapter 238 of the Acts of 2024 is hereby amended by
43 inserting the following paragraph at the end of section:- “Nothing shall: (a) limit the authority of,
44 or discriminate by the withholding of funds, the ability of a local Board of health to act in its best
45 judgement, and In the best interest of its residents, to address an outbreak of a disease or health
46 care situation, or (b) infringe on a person’s fundamental rights afforded under the United States
47 Constitution or the Constitution of commonwealth of Massachusetts or be used to coerce a
48 person into relinquishing those rights, including the right to: accept or decline any medical
49 procedure or treatment, testing, or collection of specimens, or the sharing of personal data or
50 medical information; and the right to use complementary and alternative healthcare services;
51 attend education; or be employed.”.