

The Town of Longmeadow Board Of Health
Regulation Of Tanning Facilities

Section I – Authority

This regulation is promulgated under the authority granted to the Town of Longmeadow Board of Health (Board) under Massachusetts General Laws Chapter 111, Section 31, as a reasonable health regulation designed to protect the health, safety and welfare of the public.

Section II – Purpose

Scientific evidence indicates that tanning, specifically indoor tanning with use of a bed, booth or sunlamp exposes users to ultraviolet radiation (UV) rays which causes various forms of skin cancer, increases the risk of potentially blinding eye diseases and other negative health impacts.

Indoor tanning is particularly dangerous for younger users because they are more susceptible to skin damage due to the stronger impact of ultraviolet (UV) radiation on DNA. Adolescents and young adults are also more likely to use tanning facilities on a frequent basis, increasing the risk of long-term negative health impacts. For these reasons, the Board has concluded adopted this Regulation and limiting the use of tanning facilities by individuals under 21 years of age is necessary to protect the public health.

In addition, the purpose of this Regulation is to supplement the Massachusetts Department of Public Health (DPH) recently amended regulations, entitled “Tanning Facilities”, 105 CMR 123.000, to allow for management, regulation and inspection of indoor tanning facilities to ensure the requirements set forth by the Longmeadow Board of Health are met.

Section III – Definitions

Applicant means any person who applies to the Board of Health for a permit to maintain and operate a tanning facility.

Board of Health or Board means the Town of Longmeadow Board of Health, its members, or authorized agents.

Customer means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who is afforded use of a tanning facility as a condition or benefit of membership or access.

Department means the Massachusetts Department of Public Health.

FDA means the U.S. Food and Drug Administration.

Injury means bodily harm resulting from the use of a tanning device.

Inspection means an official examination or observation by the Board, which includes but is not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Board.

Manufacturer's Recommendations means written recommendations for operation, cleaning and maintenance contained in the "owner's manual", "user manual", "service manual" or other written documents issued by the manufacturer for a particular tanning device.

Maximum Exposure Time means the greatest continuous exposure time interval recommended by the manufacturer of a tanning device.

Maximum Timer Interval means the greatest time interval setting on the timer of a tanning device.

Operator means a person employed and trained by a tanning facility to control, maintain or operate a tanning device under M.G.L. c. 111, §§ 207 through 213 and 105 CMR 123.000 to assist or instruct customers of the tanning facility in the correct use or operation of a tanning device.

Permit means a permit to operate a tanning facility issued by the Board.

Permittee means any person who holds a permit by the Board to operate a tanning facility.

Person means any natural person, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this Commonwealth, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

Phototherapy Device means equipment that emits ultraviolet radiation and is used by a licensed health care provider in the treatment of disease.

Protective Eyewear or Protective Goggles means any device designed to be worn by users of a tanning device to reduce exposure of the eyes to radiation emitted by the device.

Tanning Device means any equipment used for tanning the skin that emits ultraviolet radiation, including, but not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning lamps.

Tanning Facility or Facility means any location, place, area, structure or business which provides access to tanning devices.

Ultraviolet Radiation (UV) means electromagnetic radiation with wavelengths in the air between 200 nanometers and 400 nanometers.

Section IV – Operation of Tanning Facilities

Unless otherwise ordered or approved by the Board, each tanning facility shall be constructed, operated, and maintained to meet the following minimum requirements:

(A) Operator Responsibilities.

- (1) An operator shall ensure that no customer younger than 21 years old uses a tanning device at the tanning facility.
- (2) No tanning facility shall employ as an operator a person younger than 21 years old or permit any other employee of the tanning facility who is younger than 21 years old to operate a tanning device.

(3) A trained operator meeting the requirements of 105 CMR 123.003(A)(4) and Section IV(A)(4) of this regulation must be present at a tanning facility at all times during operating hours.

(4) Each operator must be trained and sufficiently knowledgeable in the correct operation of tanning devices used at a facility. That knowledge shall include:

- (a) the requirements of 105 CMR 123.000 and 21 CFR 1040.20, as amended;
- (b) skin type determination and the proper use of the manufacturer's Recommended Exposure Schedule;
- (c) photosensitizing agents such as: foods, cosmetics, and medications that may produce an abnormal or increased skin sensitivity;
- (d) recognition of injuries from overexposure to ultraviolet radiation;
- (e) effects of ultraviolet radiation, acute and chronic exposure, biological effects, and health risks;
- (f) electromagnetic spectrum with emphasis on the photobiology and physics within the 200-400 nanometer range;
- (g) use of protective eyewear;
- (h) emergency procedures in case of injury;
- (i) manufacturer's procedures for the correct operation and maintenance of each tanning device on the premises of the tanning facility.

(5) Training Certification Requirement for Longmeadow Board of Health Tanning Facility Permittee and Operators of Tanning Devices in Longmeadow Board of Health-permitted Tanning Facilities

- a. As a condition for obtaining or renewing a Longmeadow Board of Health Permit and for operation of a Tanning Facility in the Town of Longmeadow, documentation shall be provided by permit applicant(s), irrespective of whether applicant actually will be operating tanning devices, and any individual in his employ or who provides contracted services for the operation of tanning devices in a permitted tanning facility, of completion of a Board of Health-approved training program covering the health and safety topics cited in 105 CMR 123.000(A)(3) and (4). The permittee of the tanning facility is responsible for making available for review on the premises of the tanning facility a copy of 105 CMR 123.00 and 21CFR 1020.20.
- b. All operators and permittees of Longmeadow Board of Health-permitted tanning facilities shall be familiar with the written manufacturer's recommendations for all devices present in the tanning facility. The permittee is responsible for making available for review on the premises of the tanning facility the written manufacturer's recommendations for all tanning devices present at the tanning facility.

(6) A list of the facility's operators who have been trained in accordance with 105 CMR 123.003(A)(4) and Section IV A (4) and (5) of this regulation shall be maintained at the facility and be made available at the facility to Board or Department inspectors upon request.

(7) An operator shall determine tanning session duration for each customer based on a skin type determination and previous tanning device exposure in order to gradually increase exposure. The operator shall follow the manufacturer's recommended exposure time for each tanning device and at no time shall an operator permit a tanning session to exceed the device manufacturer's recommended maximum exposure time.

(8) An operator or permittee shall, upon request by a tanning device user or prospective user, or representative of the Longmeadow Board of Health provide for review on the premises of the tanning facility a copy of the manufacturer's recommendations of any tanning device present at the facility. The permittee must also have available at the tanning facility the name and address of the manufacturer or distributor from whom the manufacturer's recommendations may be obtained.

(9) A tanning facility shall give each prospective user of a tanning device a written warning statement on a form approved by the Longmeadow Board of Health, which contains the warning language specified in 105 CMR 123.003(B)(1)(f). Prior to each tanning session, each prospective user of a tanning device must sign the warning statement acknowledging he or she understands such warning. The warning statement shall then be signed by the operator and, whenever possible, by a witness who can verify that the warning information was provided.

(B) Physical Plant.

(1) Warning Sign.

- (a) A warning sign shall be posted within three feet of each tanning device;
- (b) The warning sign shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item so that the user of the tanning device can easily view the warning sign before energizing the ultraviolet light generating device;
- (c) The warning sign shall be printed in white on a red background;
- (d) The lettering on each warning sign shall be at least 3/8 inch high for all words shown in capital letters and at least 3/16 inch high for all lower case letters;
- (e) The warning sign shall be at least 8½ inches wide by 11 inches long;
- (f) The warning sign shall contain the following information: DANGER
ULTRAVIOLET RADIATION
 - 1. Follow instructions.
 - 2. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury and allergic reaction. Repeated exposure may cause chronic damage characterized by wrinkling, dryness, fragility, bruising of the skin and skin cancer.
 - 3. Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG TERM INJURY TO THE EYES.
 - 4. Ultraviolet radiation from sunlamps aggravates the effects of sun. Do not sunbathe before or after exposure to ultraviolet radiation.
 - 5. Abnormal or increased skin sensitivity or burning may be caused by certain foods, cosmetics or medications, including but not limited to, tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills and skin creams. Consult a physician before using a sunlamp if you are using medication, have a history of skin problems, or believe you are especially sensitive to sunlight. Pregnant women or women on birth control pills who use a tanning device may develop discolored skin.
 - 6. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN FROM USE OF THIS DEVICE. Use of a tanning device does not provide a substantial protective base against the effects of the sun.

(2) Supplemental Signage: Each tanning device shall have a warning placed either directly above or below the exposure schedule stating "Skin Type I individuals (always burns, never tans) should never use tanning devices."

(3) Sanitation

- a) The permittee shall provide to customers of the tanning facility access to toilet and hand washing facilities. Such facilities shall be cleaned and disinfected at least once every 24 hours, and contain liquid soap, paper towels, and a receptacle for used paper towels. Sinks shall have hot water in the temperature range of not less than 110°F (43°C) and not greater than 130°F (54°C);
- b) The permittee shall ensure that each customer shall have access at all times to potable drinking water.
- c) Each facility shall provide to its customers paper or cloth towels which may not be shared. Cloth towels must be washed and sanitized after each use.
- d) All surfaces with which customers have contact within tanning devices shall be disinfected after each customer's use. Disinfection shall be carried out using a U.S. Environmental Protection Agency registered disinfectant and in accordance with the cleaning and disinfection instructions indicated in the manufacturer's recommendations for each tanning device.
- e) Each tanning device shall be capable of being ventilated so that there is a minimum of 20 cubic feet per minute (cfm) of fresh air per occupant.
- f) If showers are provided:
 - 1) hot water in the shower shall be at a temperature range of not less than 100°F (38°C) and not greater than 112°F (44°C);
 - 2) shower floors shall be constructed of non-absorbent, non-slippery materials, and sloped toward a properly installed floor drain. The use of duckboards or rubber mats in the shower is not permitted; and shower floors and walls shall be cleaned and disinfected at least once every 24 hours.
- g) The interior of the facility shall be maintained in good repair and clean, sanitary condition, free from all accumulation of dirt and rubbish
- h) Tanning Facilities shall be located in stationary locations that conform to the requirements of the Mass. Building Code and the Town of Longmeadow Regular and Zoning By-Laws and shall hold a current Certificate of Occupancy issued by the Town of Longmeadow Building Dept.
- j) All equipment and fixtures in the tanning facility, shall be installed in accordance with Massachusetts plumbing, gas fitting and electrical wiring regulatory standards, if applicable

(C) Requirements for Tanning Devices

- 1) Only tanning devices manufactured and certified to comply with FDA regulations shall be used. Compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by FDA regulations.
- 2) Tanning Devices shall not be mounted and operated on motor vehicles whether such vehicles are mobile or stationary.
- 3) Timers: Each tanning device shall have a timer which complies with the requirements of FDA regulations. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than plus or minus 10% of the maximum time interval for the product.
- 4) All tanning devices shall be installed in accordance with Massachusetts plumbing, gas fitting, and electrical wiring regulatory standards and have been inspected and deemed compliant by the applicable Town of Longmeadow Building Dept. inspector

- 5) Tanning devices shall meet the requirements of the relevant sections of the National Fire Protection Association's National Electrical Code, and shall have been inspected and been found to satisfy local electrical code requirements.
- 6) There shall be physical barriers in tanning facilities to protect customers from injury induced by touching or breaking the lamps.
- 7) Defective or burned-out lamps or filters shall be replaced with a type intended for use in that tanning device which is specified on the product label or with lamps or filters that are "equivalent" under FDA regulations.
- 8) The interior temperature of the tanning device shall not exceed 100°F.
- 9) The permittee shall maintain records of all customer exposure times at the tanning facility; exposure times shall not exceed the manufacturer's recommendations for the particular tanning device. Such records shall be available to each operator and be made available to the Board of Health, if requested.
- 10) In addition to other regulatory requirements, the permittee of the tanning facility is responsible for operating, cleaning, maintaining, and servicing tanning devices on the premises in accordance with manufacturer's recommendations irrespective of whether the content of such recommendation(s) is(are) specifically listed in this regulation. Records of routine and non-routine maintenance of tanning devices shall be kept on the premises and subject to inspection of the Board of Health
- 11) Additional Requirements for Stand-up Booths
 - a) There shall be physical barriers or other methods, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the customer's skin.
 - b) The construction of the booth shall be such that it will withstand the stress of use and the impact of a customer who may fall.
 - c) Doors shall consist of rigid construction material and shall open outwardly. Handrails or non-slip floors shall be provided.

(D) Protective Eyewear.

- (1) The operator shall provide each customer with protective eyewear which meets the requirements of FDA regulations and shall ensure that each customer is using protective eyewear at all times while using a tanning device.
- (2) In the tanning facility, the permittee shall maintain literature from the manufacturer of the protective eyewear which documents that the eyewear meets the requirements of FDA regulations.
- (3) Protective eyewear, other than eyewear discarded after each use, shall be properly sanitized before each use, using a sanitizing agent which is registered by the United States Environmental Protection Agency and which is specifically manufactured for use on protective eyewear. Exposure to the ultraviolet radiation produced by the tanning device itself is not considered a sanitizing agent.

(E) Records.

- (1) The operator shall keep a record of each customer's tanning sessions, including, for each visit, the date, skin type determination, exposure time, and device used. Such records shall be maintained at the tanning facility for a minimum of one year and be made available to the Board or the Department upon request.
- (2) The operator shall maintain records of the risk acknowledgment certification signed by each customer. Such records shall be maintained at the tanning facility for a minimum of one year and be made available to the Board or the Department upon request.
- (3) Copies of all applications and the permit information outlined in 105 CMR 123.005(C)(1) through (6) and this regulation must be maintained at the tanning facility and be available for review by inspectors and tanning facility customers upon request.
- (4) Servicing records of any tanning device presently or previously in use at the tanning facility shall be maintained on the premises of the tanning facility for a minimum of three years and made available to the Board of Health, if requested.

(5) The permittee shall develop a daily cleaning protocol for the tanning facility and written records to document compliance with such protocol. Cleaning records shall be maintained on site for a minimum of six (6) months.

(F) Injury Reports.

(1) An operator shall prepare a written report of any tanning injury to a customer or complaint of injury and such report shall be forwarded by the facility's operator or permittee to the Board of Health with a copy to Mass. Dept. of Public and to the complainant or injured customer within five business days of its occurrence or knowledge thereof. The report shall include:

- (a) the name of the affected individual;
- (b) the name and location of the tanning facility involved;
- (c) the nature of the injury;
- (d) the name and address of the affected individual's health care provider; if any
- (e) any other information considered relevant to the situation.

(G) No tanning facility shall claim, or distribute promotional material that claims, that the use of a tanning device is safe and free from risk.

Section V – Inspections

- (A) The Board of Health and its agents shall inspect each tanning facility within 30 days of licensure, every six months thereafter, and upon receipt of any written complaint.
- (B) The Board of Health and its agents shall have access at all reasonable times to any tanning facility for the purpose of inspecting said facility.

Section VI – Application for a Permit

- (A) No person shall operate a tanning facility unless he or she is the holder of a valid permit granted by the Board of Health.
- (B) Applications for licensure shall be made on forms prescribed by and available from the Board. Each applicant shall submit all the information required by the form and the accompanying instructions. The term "application" as used in 105 CMR 123.000 and this regulation shall include original and renewal applications.
- (C) The Board shall require that the applicant provide at least the following information in order to be issued a permit to operate a tanning facility:
 - (1) Name, address and telephone number of the following:
 - (a) The tanning facility;
 - (b) The owner(s) of the tanning facility;
 - (2) The manufacturer, model number, model year, serial number (if available) and type of each ultraviolet lamp or tanning device located within the facility;
 - (3) The name and address of the tanning device supplier, installer, date of installation of each tanning device, and service agent;
 - (4) A signed and dated certification that the applicant has received, read and understood the requirements of 105 CMR 123.000 and this regulation
 - (5) A copy of the operating and safety procedures to be followed in the operation of the facility and tanning devices.
 - (6) A list of all operators of the tanning devices located within the tanning facility, irrespective of whether the operators are employees or contractors.

(7) Documentation that the permit applicant and all operators of the tanning devices in the tanning facility have completed a Board of Health- approved health and safety program for tanning devices consistent with Section IV (A)(5) of this regulation.

(8) As a condition of permitting, the permittee is obligated to notify the Board of Health of its intent to hire or contract with new tanning device operator, provide documentation of his/her training consistent with Section IV(A)(5), and obtain Board of Health certification of such training prior to commencing operation of the tanning devices in a permitted tanning establishment. The Board shall notify the permittee or the results of the review of a new operator's credentials within 14 days of receipt of the documentation.

(D) Each applicant shall provide such additional information as the Board may reasonably require.

(E) Each applicant shall submit the appropriate permit fee. The fee for a permit and annual renewal thereof shall be determined in accordance with Town Charter by the applicable elected or appointed Town Board.

Section VII – Issuance of a Permit

(A) Upon a determination by the Board of Health that an applicant meets the requirements of 105 CMR 123.005 and this regulation and remittance of the permit fee in the amount determined by the applicable Town Board designated by the Town Charter, the Board of Health shall issue a permit to maintain and operate a tanning facility.

(B)The Board may incorporate in the permit at the time of issuance or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the permittee's receipt, possession and use of the permit to operate tanning facilities as it deems appropriate or necessary.

(C) The permit shall expire no later than one year from the date of its issue.

(D) Each tanning facility's permit must be displayed in a conspicuous place in the facility.

Section VIII – Renewal of a Permit

An application to renew a permit in proper form and remittance of the annual permit fee in the amount determined by the Town of Longmeadow Select Board shall be filed with the Board not less than 30 days prior to the expiration of his or her permit.

Section IX – Report of Changes

1. All information required by 105 CMR 123.005 and otherwise required by the Board shall be kept current by each permittee. The permittee shall notify the Board in writing before making any change which would render the information reported pursuant to 105 CMR 123.005 or this regulation and contained in the application for permit no longer accurate. This requirement shall not apply to

changes involving replacement of the original lamp types which have been certified by the FDA as "equivalent" lamps under the FDA regulations.

2. The facility owner shall maintain at the tanning facility written manufacturer's recommendations or other written manufacturer's advisories to tanning device owners which specifically addresses the equivalency of any replacement lamp or updates the manufacturer's recommendations in regard to maintenance, cleaning, or operational procedures.
3. The permittee shall notify the BOH in writing within seven (7) days of any change(s) to the list of operators of the facility's tanning devices as required by Section VI (C)(6), (7), and (8) of this regulation.

Section X – Non-transferability of Permit

No permit shall be transferable from one person to another or from one tanning facility to another.

Section XI – Grounds for Denial of or Refusal to Renew a Permit or Suspension or Revocation Of an Issued Permit

(A) The Board may deny, suspend, revoke or refuse to renew a permit sought or issued pursuant to this regulation for any one of the following reasons:

- (1) The permittee has permitted a customer younger than 21 years old to use a tanning device at the tanning facility;
- (2) The permittee has permitted a person younger than 21 years old to operate a tanning device;
- (3) The applicant or permittee has failed to submit the documentation required under 105CMR 123.00 and this regulation which demonstrates that the facility will be operated and maintained in accordance with the requirements of 105 CMR 123.000 and this regulation.
- (4) The applicant or permittee has submitted incorrect, false or misleading information in the documents required under 105 CMR 123.005 or this regulation.
- (5) The applicant or permittee has failed to operate or maintain the tanning facility in accordance with the specifications approved by the Board except as such maintenance may involve the replacement of lamps by "equivalent" lamps which have been defined in 105 CMR 123.008;
- (6) The tanning facility is operated in a way that causes or creates a nuisance or hazard to the public health or safety;
- (7) The applicant or permittee has violated any condition upon which the permit was issued by the Board;
- (8) The applicant or permittee has failed to allow duly authorized agents of the Board or Department to conduct inspections of the facility at reasonable hours and in a reasonable manner;
- (9) The applicant or permittee has failed to pay permit fees;

(10) The tanning facility has been found to be in violation of M.G.L. c. 111, §§ 207 through 214 or 105 CMR 123.000, or any additional requirements adopted by the Board and has not complied within seven days of written notice of said violations by the Board.

(11) The applicant or permittee has failed to pay fines or penalties imposed for violations of M.G.L. c. 111, §§ 207 through 214 or 105 CMR 123.000 or local rules, regulations, or orders respecting tanning facilities.

(12) The operating conditions at the tanning facility are deemed to cause an immediate threat to public health or safety

(B) The Board shall notify an applicant or permittee in writing of any violation of 105 CMR 123.000 or this regulation for which the Board intends to deny, revoke, suspend, or refuse to renew a permit. The applicant or permittee shall have seven days after receipt of such written notice in which to comply with the provisions of 105CMR 123.00 and this regulation with the exception of violations that fall within the purview of Section XII of this regulation. The Board may deny, revoke or refuse to renew a permit of a tanning facility which fails to comply after said seven days.

Section XII – Grounds for Emergency Suspension of a Permit

The Board or its authorized agent may summarily suspend a permit pending a hearing whenever the Board finds that there is a situation or condition which the Board has determined presents an imminent threat to the health or safety of one or more customers causing jeopardy to customers at a tanning facility. A facility may not operate during the period of a suspension of its permit

Section XIII – Procedure for Hearings

(A) Suspension of a Permit.

(1) Within seven business days of receipt of a notice by the Board of its intent to suspend a permit to operate a tanning facility, its permittee shall submit to the Board of Health a written request for a hearing concerning the suspension.

(2) The Board shall schedule and conduct a hearing regard this suspension no later than twenty-one (21) calendar days after the effective date of the suspension.

(3) In cases of suspension of a permit, the Board shall consider the evidence that there existed immediately prior to or at the time of the suspension a situation or condition listed in Section XI or XII of this regulation. The Board shall issue a written decision within seven (7) calendar days of the hearing which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) Denial, Revocation, or Refusal to Renew a Permit.

(1) A permit may be denied, revoked or refused renewal only after a hearing conducted by the Board of Health;

(2) When the Board determines that a Permit to Operate a Tanning Facility shall be denied, revoked or not renewed pursuant to 105 CMR 123.011 and the provisions of this regulation, the Board shall initiate the scheduling of a hearing within 21 calendar days of such determination.

(3) Within seven days of such hearing, the Board shall issue a written decision which contains a summary of the testimony and evidence considered and the reasons for the decision.

Section XIV – Procedure for Appeal

Any Tanning Facility Permittee, if aggrieved by the Board's determination may appeal said determination pursuant to the provisions of M.G.L. c. 30A, § 14 to any court of legal jurisdiction.

Section XV – Enforcement

All violations of this Regulation shall be enforced by the Board or agent(s) designated by the Board.

Section XVI – Penalties and Enforcement for Violation

(A) Whoever violates any provision of this Regulation or any provision of Massachusetts General Laws Chapter 111 Sections 207 through 213 or any rule or regulation promulgated thereunder shall be punished by a fine of not less than \$200 nor more than \$2,000. Each violation shall be considered a separate offense and each day that a violation continues shall constitute a separate offense.

(B) This Regulation is subject to enforcement under the non-criminal disposition procedures set forth in Massachusetts General Laws Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

(C) Any fines imposed under the provisions of this Regulation shall inure to the Town of Longmeadow for such use as the Town may direct.

(D) Failure to correct violations of any provision of this Regulation may result in the suspension or revocation of a permit to operate a tanning facility or refusal to issue a permit to operate a tanning facility as provided in 105 CMR 123.010 and 105 CMR 123.011 and the provisions of this regulation.

Section XVII – Exemptions

(A) The Board may, upon application therefore or upon its own initiative, grant such exemptions or exceptions from the requirements of 105 CMR 123.000 or this regulation as it determines are authorized by law and will not result in diminution of protection of public health

(B) Devices intended for purposes other than the deliberate exposure of parts of the living human body to ultraviolet radiation, and which produce or emit ultraviolet radiation incidental to its proper operation are exempt from the provisions of 105 CMR 123.000 and this regulation.

(C) Tanning devices while in transit or storage incidental thereto are exempt from the provisions of 105 CMR 123.000 and are exempt from the provisions of this regulation.

(D) Phototherapy devices used by or under the supervision of a licensed physician who is trained in the use of such phototherapy devices and are exempt from the provisions of 105 CMR 123.000 and are exempt from this regulation.

Section XVIII – Severability

If any provision, clause, section, sentence or paragraph of this regulation or the application thereof to any person shall be held to be invalid, such invalidity shall not affect the remaining provisions or applications of this regulation.. The valid part of any provision, clause, section, sentence or paragraph shall be given independence from the invalid provisions or applications.

Section XIX-Effective Date: Date of publication of legal notice.

LONGMEADOW BOARD OF HEALTH

Members:

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