



# *Town of Lexington*

## **Health Department**

1625 Massachusetts Avenue

Lexington, MA 02420

(781)-698-4533

Fax (781)-861-2780

### **Article XXI, Laboratory Animal Regulations [Adopted 12-19-2023 effective 5-1-2024]**

#### **§155-179. Purpose**

All activities associated with the use of Laboratory Animals within the Town of Lexington shall be performed in strict accordance with all federal, state and local statutes, ordinances and regulations concerning the welfare of animals including the "Guide for the Care and Use of Animals" of the National Institutes of Health, the "Animal Welfare Act" (7 U.S.C. chapter 54 sections 2131-2159), the Health Research Extension Act of 1985, the "Public Health Service Policy on Humane Care and Use of Laboratory Animals," G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

#### **§155-180. Definitions:**

As used in this article, the following terms shall have the meanings indicated:

**Laboratory Animal:** Any live, vertebrate animal used or intended for use in research, research training, experimentation, or biological testing or for related purposes.

**Animal Use:** The proper care, use, and humane treatment of Laboratory Animals produced for or used in research or testing.

**Experiment:** Any procedure conducted by a research institution upon a live animal.

**Institution:** Any facility operated in the Town of Lexington, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the Town of Lexington which, in connection with any of its activities, investigates the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals

**Institutional Official:** The individual who, as a representative of senior administration, bears ultimate responsibility for the Animal Care and Use Program and is responsible for resource planning and ensuring alignment of Program goals with the institution's mission.

#### **§155-181. Laboratory Animal Liaison**

A Laboratory Animal Liaison (LAL) will oversee the care and use of Laboratory Animals in the Town of Lexington. The liaison shall not currently work for any business or organization in the town, but may be a current Town employee or official.

#### **§155-182. Permit Application**



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- 1) All institutions planning to use Laboratory Animals must obtain a permit from the Board of Health. All permits are issued for one year and may be revoked at any time, subject to the notice and hearing provisions of this regulation. No permit shall be transferred. Within 10 days of any changes in an Institution's Laboratory Animal use (including, but not limited to, change in species of animal, change in housing of animals, significant change in number of animals), such Institution shall reapply for a new one-year permit. Failure to do so will constitute cause to revoke the Institution's permit.
- 2) Institutions seeking such a permit from the Board of Health must submit the following to the Laboratory Animal Liaison:
  - List of all species and total number of animals for each species used in the past year; and
  - List all member roles on the Institution's Animal Care and Use Committee and the total number of members on the committee.
- 3) An Institution must update its permit within 10 days of making any of the following changes:
  - Adding a new species, ceasing use or possession of a particular species at the Institution; or
  - Changing the total number of animals for any species from the ranges specified on the Institution's permit.
- 4) Making any of the changes listed in Section 3 above may result in a change to the annual fee.

### **§155-183. Animal Care committee**

Each Institution that performs research, experiments or biomedical procedures using animals shall establish and maintain an Animal Care and Use Committee that oversees all activities conducted by and at an institution that have a direct impact on the well-being of animals, including but not limited to, animal and veterinary care, policies and procedures, personnel and program management and oversight, occupational health and safety, institutional animal care and use committee functions, and animal facility design and management.

Each Institution will be required to have one community representative from the New England region on its Animal Care and Use Committee. The community representative must not be a Laboratory Animal user, affiliated in any way with the institution, or a member of the immediate family of a person who is affiliated with the institution.



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### **§155-184. Reports and Information**

Each Animal Care and Use Committee of each Institution shall provide the following information for the LAL's review at the time of the LAL's annual visit:

- Number and species of animals used in previous year;
- Results of all state and federal inspections concerning animal care and use in the previous year;
- The name and occupation of the community member on the Animal Care and Use Committee;
- The names and membership roles of all other members of the Animal Care and Use Committee;
- The dates of meetings of the Animal Care and Use Committee, as well as the minutes of those meetings, including records of attendance, activities of the Committee, and Committee deliberations;
- Animal Care and Use Committee- reviewed policies, guidelines, Standard Operating Procedures, and protocols;
- Records of accrediting body determinations;
- Semi-annual program reviews; and
- Animal care and use semi-annual inspection reports

### **§155-185. Reports of Violations**

The LAL shall report any violations of the standards prescribed in this ordinance to the chief executive officer/Institutional Official of the research institution.

### **§155-186. Inspections and Investigations**

All institutions involved in the use of Laboratory Animals as described in this ordinance shall allow annual inspection of their facilities, procedures, and practices in order to confirm compliance with this ordinance.

The LAL shall make at least one annual unannounced visit to each Institution to inspect animal research facilities.

The LAL shall hold at least one annual meetings with the attending veterinarian and/or Animal Care and Use Committee chairperson to discuss and review the Animal Care and Use Committee's work. The LAL may inspect any Animal Care and Use Committee reports and documents on the LAL's annual visit.



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The LAL shall report to the Board of Health from time to time and may make recommendations regarding the care and use of Laboratory Animals within the Town.

The LAL shall report the results of the annual inspection to the Board of Health and the institution involved.

The Board of Health shall maintain the confidentiality of all proprietary information released to it by reason of this ordinance.

### **§155-187. Violations and Penalties**

Any Institution that violates this chapter be may by fined \$500 dollars per violation per day by an agent of the Board of Health. Each day of violation shall constitute a separate offense.

### **§155-188. Variances**

- A. Variances may be granted only as follows: The Board of Health may vary the application of any provisions of these Regulations (except where such variance is expressly forbidden in these Regulations or by applicable law/regulation) with respect to any particular case when, in the Board's opinion:
1. The enforcement thereof would do manifest injustice
  2. The applicant has proved the same degree of protection required under these Regulations can be achieved without strict application of the particular provision(s)
- B. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be available to the public at all reasonable hours in the office of the city or town clerk or the office of the Board of Health while it is in effect.

### **§155-189. Hearing**

- A. Any person to whom the Board issues an Order may request a hearing before the Board by filing with the Board within seven (7) days after the day the Order was served a written request for a hearing. Upon receipt of a hearing request, the Board shall set a time and place for the hearing and shall inform the business owner in writing. The hearing shall commence within thirty (30) days from the day on which the written request was made, unless a later time is agreed to in writing by the Board and the person requesting the hearing. At the hearing the person requesting the hearing shall be given an opportunity to be heard and show why the Order should be modified or withdrawn. After



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the close of the hearing, the Board shall issue a written decision to sustain, modify, or withdraw the Order and shall mail a copy of the decision, by certified mail, return receipt requested, to the person who requested the hearing. If the Board sustains or modifies the Order, it shall be carried out within the time period allotted in the original order or in the modification.

- B. Every notice, order, or other record prepared by the Board in connection with the hearing shall be entered as a matter of public record in the office of the Lexington Town Clerk, or in the office of the Board.
- C. If a request for a hearing is not filed with the Board within seven (7) days after the day an Order has been served or if after a hearing, the Order has been sustained in whole or any part, each day's failure to comply with the order as issued or sustained shall constitute a separate violation of a \$500 fine.

### **§155-190. Appeals**

Any person aggrieved by the decision of the Board of Health with respect to the provisions of these regulations may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

### **§155-191. Severability**

If any section, subsection, sentence, clause, phrase, heading, or any portion of these Regulations is for any reason held invalid or unconstitutional by any Court of competent jurisdiction in the Commonwealth of Massachusetts, such provisions and such holding shall not affect the validity of the remaining portions thereof.