



# Senate Public Health and Welfare Committee

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## Summary SB 349 PN 331

This legislation establishes the Indoor Tanning Regulation Act and prohibits the operation or establishment of a tanning facility unless licensed by the Department of Health (the department).

### Licensure

Applicants for licensure shall submit to the department information regarding the location and ownership of the facility as well as descriptions of all tanning devices and the names of any installers or service agents. A signed statement indicating the applicant has read and understands this act as well as a copy of the facility operating and safety procedures shall accompany the application.

A licensure fee of \$300 per facility and \$20 per bed in excess of ten is required of all applicants. Fees are intended to cover the costs of inspection and administration and may be adjusted by the department through regulation.

Licenses shall be posted in a location conspicuous to customers and expire annually. They are nontransferable and may be revoked, suspended or denied for violations of this act.

### Inspections

Facilities shall be inspected annually. The inspection shall be based on the operation of the facility as well as on a review of the records, operator understanding and competency.

The department shall have access at reasonable times to any tanning facility and its records for the purposes of ensuring compliance. A violation of the act is a misdemeanor and the department may revoke a license if an immediate threat to the health and safety of the public exists. If the facility fails to comply with a corrective action plan, the license may be suspended or revoked.

### Safety

Warning signs shall be readily apparent to customers. They shall include statements describing the hazards of tanning and safety precautions. Each customer shall also be given a written statement identifying the risks of exposure which must be signed. The warning statements will not affect the liability of the owner.

All tanning devices must be federally certified and follow the National Fire Protection Association's National Electrical Code as well as state and local codes. They must also have physical barriers to protect customers from

touching or breaking lamps. Stand-up booths must have barriers to indicate proper exposure distance, outward opening doors, handrails, nonslip floors and be rigidly constructed.

Customers shall be required to wear protective eyewear which must be provided free of charge. Eyewear shall meet federal requirements and be properly sanitized after each use.

Trained operators must be present in the facility during all operating hours while tanning devices are in operation and shall assist each customer. Customers may not use devices in the absence of an operator

### **Records**

Operators are required to keep records of each customer's visits and the duration for at least three years. Duration and frequency shall be limited to maximums recommended by the manufacturer and should be based on the Fitzpatrick scale of skin types.

### **Minors**

All minors must be accompanied by a parent or legal guardian for the first use. Parents or legal guardians must also sign and date the required warning statement prior to the first use and every six months thereafter. The signature shall be witnessed by the operator. Minors under 14 may not use a tanning device unless they have the written permission of a doctor.

### **Training**

Tanning device operators must demonstrate knowledge of:

- This act and federal regulations pertaining to tanning devices
- Proper FDA recommended exposure schedule
- Correct facility operation procedures
- Recognition of injuries and procedures for handling any injuries including emergencies
- Manufacturer's procedures for operation and maintenance of the tanning device
- Use of protective eyewear
- Effects of ultraviolet radiation, exposure and health risks
- Photosensitizing agents
- Six different skin types

### **Effective Date**

This act shall take effect in 180 days.