

1 **Senate Bill No. 78**

2 (By Senators Foster, Stollings, Hall and Klempa)

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4 [Introduced January 13, 2011; referred to the Committee on the  
5 Judiciary.]  
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §16-43-1 and §16-43-  
12 2, all relating to tanning facilities; definitions; and  
13 consent required for minor using tanning device or facility.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new article, designated §16-43-1 and §16-43-2,  
17 all to read as follows:

18 **ARTICLE 43. TANNING FACILITIES.**

19 **§16-43-1. Definitions.**

20 As used in this article:

21 (1) "Tanning device" means any equipment that emits radiation  
22 used for tanning of the skin, such as a sun lamp, tanning booth or  
23 tanning bed, and includes any accompanying equipment, such as

1 protective eyewear, timers and handrails.

2 (2) "Tanning facility" means any commercial location, place,  
3 area, structure or business where a tanning device is used for a  
4 fee, membership dues or other compensation.

5 **§16-43-2. Consent required for minor using tanning device or**  
6 **facility.**

7 (a) Before any person who has reached his or her fourteenth  
8 birthday and has not passed his or her eighteenth birthday uses a  
9 tanning device, he or she shall give the tanning facility a  
10 statement, signed by his or her parent or legal guardian, stating  
11 that the parent or legal guardian has read and understood the  
12 warnings given by the tanning facility and that they consent to the  
13 minor's use of the tanning device and agree that the minor will use  
14 protective eyewear. This parental consent is valid for one  
15 calendar year.

16 (b) A person under the age of fourteen shall be accompanied by  
17 a parent or legal guardian when using a tanning device.

NOTE: The purpose of this bill is to require parental consent for minors to use a tanning device.

This article is new; therefore, strike-throughs and underscoring have been omitted.