

2 The Committee on Health and Human Resources moves to amend the
3 bill, by striking everything after the enacting section and
4 inserting in lieu thereof the following:

5 **"ARTICLE 45. TANNING FACILITIES.**

6 **§16-45-1. Definitions.**

7 As used in this article:

8 (1) "Photo therapy device" means a device used for exposure to
9 daylight or to specific wavelengths of light using lasers,
10 light-emitting diodes, fluorescent lamps, dichroic lamps or very
11 bright, full-spectrum light, usually controlled with various
12 devices.

13 (2) "Tanning device" means any equipment that emits radiation
14 used for tanning of the skin, such as a sun lamp, tanning booth or
15 tanning bed, and includes any accompanying equipment, such as
16 protective eye wear, timers and handrails.

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

20 **§16-45-2. Registration requirements; inspections by local boards
21 of health; posting of permit power of local board of health to
22 order facility to close.**

23 (a) On or after July 1, 2014, any tanning facility located in
24 this state shall obtain a business registration certificate and
25 shall register with the local board of health, request an
26 inspection of the facility and obtain an operating permit before

1 engaging in the business of a tanning facility.

2 (b) Each local board of health shall conduct annual
3 inspections of tanning facilities to determine compliance with this
4 article.

5 (c) Upon a determination by the board that the tanning
6 facility is in compliance with the provisions of this article, the
7 board shall issue to the tanning facility an operating permit,
8 which shall be posted in a conspicuous place in the tanning
9 facility, clearly visible to the general public.

10 (d) Upon a determination by the board that any tanning
11 facility is not in compliance with the provisions of this article,
12 or the rules promulgated hereunder, the board may order the tanning
13 facility to cease operations until such time as the board
14 determines that the tanning facility is in compliance.

15 (e) Nothing in this article may be construed as prohibiting
16 any health care provider licensed under chapter thirty of this code
17 from performing any action within the scope of his or her practice
18 that results in prescribing the use of a photo therapy device to a
19 patient regardless of the patient's age for treatment of a medical
20 condition.

21 **§16-45-3. Operation standards.**

22 (a) A tanning facility shall provide to any patron who wishes
23 to use a tanning device located within its tanning facility a
24 disclosure and consent form relating to use of a tanning device
25 that contains the current United States Food and Drug
26 Administration warning as follows: "Danger. Ultraviolet Radiation.

1 Follow instructions. Avoid overexposure. As with natural sunlight,
2 overexposure can cause eye and skin injury and allergic reactions.
3 REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN
4 CANCER. WEAR PROTECTIVE EYEWEAR; FAILURE TO DO SO MAY RESULT IN
5 SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or
6 cosmetics may increase your sensitivity to the ultraviolet
7 radiation. Consult physician before using tanning device if you
8 are using medications or have a history of skin problems or believe
9 yourself especially sensitive to sunlight. If you do not tan in
10 the sun, you are unlikely to tan from use of this product.”

11 The disclosure and consent form must have a place for the
12 patron's signature and the date. A signed and dated copy of the
13 disclosure and consent form shall be maintained by the tanning
14 facility and remains valid for one year from the date it was
15 signed.

16 (b) All patrons are required to present proof of age prior to
17 use of a tanning device. Proof of age shall be satisfied with a
18 driver's license or other government-issued identification
19 containing the date of birth and a photograph of the individual.
20 Persons under the age of eighteen may not be permitted to use a
21 tanning device without the prior written consent of the person's
22 parent or legal guardian. Photographic identification of the
23 parent or legal guardian is required. A copy of the signed
24 parental or legal guardian consent shall be maintained by the
25 tanning facility and remains valid for one year from the date it
26 was signed. Persons under the age of fourteen may not be permitted

1 to use a tanning device.

2 **§16-45-4. Rules to be proposed by the Department of Health and**
3 **Human Resources.**

4 The Bureau for Public Health within the Department of Health
5 and Human Resources shall propose rules for legislative approval in
6 accordance with the provisions of article three, chapter
7 twenty-nine-a of this code to regulate tanning facilities. The
8 rules shall provide at a minimum:

9 (1) General physical requirements for facilities and
10 equipment, including requirements for ventilation; ~~and lighting;~~

11 (2) Record-keeping requirements;

12 (3) Requirements for the posting of warning signs about the
13 dangers inherent in the use of a tanning device;

14 (4) Proper sanitation of a tanning facility and a tanning
15 device including a requirement that the tanning device be cleaned
16 immediately prior to each use;

17 (5) Proper maintenance and operation of a tanning device
18 including accuracy and placement of a timing device;

19 (6) The use of protective eye wear provided by the tanning
20 facility and the proper storage and cleanliness of the eye wear;

21 (7) Require that a patron not exceed the maximum exposure time
22 established by the manufacturer of a tanning device;

23 (8) All tanning customers shall undergo comprehensive
24 evaluations, including identifying their sun sensitivity skin type;
25 and

26 (9) All customers shall be given information about

1 photosensitizing medications and the correct usage of FDA-compliant
2 protective eye wear.

3 **§16-45-5. Fees.**

4 Local health departments may charge fees to inspect a tanning
5 facility which shall cover its costs.

6 **§16-45-6. Violations and penalties.**

7 (a) Any owner of a tanning facility who does not register with
8 the local board of health, who fails to request an inspection
9 pursuant to section two of this article or fails to obtain parental
10 consent for a minor under the age of eighteen is guilty of a
11 misdemeanor and, upon conviction thereof, for a first offense,
12 shall be fined \$100.

13 (b) For a second offense, the owner is guilty of a misdemeanor
14 and, upon conviction thereof, shall be fined not less than \$250 nor
15 more than \$500.

16 (c) For a third offense or subsequent offense, the owner is
17 guilty of a misdemeanor and, upon conviction thereof, shall be
fined not less than \$500 nor more than \$1,000"