

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2520

BY DELEGATES SUMMERS, ROHRBACH, CRISS, ATKINSON,
HIGGINBOTHAM, BYRD, LOVEJOY, FLEISCHAUER AND
ROWAN

[Introduced February 16, 2017; Referred to the
Committee on Health and Human Resources and
then Judiciary]

1 A BILL to amend and reenact §16-45-3 and §16-45-5 of the Code of West Virginia, 1931, as
2 amended, relating to prohibiting the use of a tanning device by a person under the age of
3 eighteen.

Be it enacted by the Legislature of West Virginia:

1 That §16-45-3 and §16-45-5 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted to read as follows:

ARTICLE 45. TANNING FACILITIES.

§16-45-3. Operation standards.

1 (a) A tanning facility shall provide to any patron who wishes to use a tanning device located
2 within its tanning facility a disclosure and consent form relating to use of a tanning device that
3 contains the current United States Food and Drug Administration warning as follows: "Danger.
4 Ultraviolet Radiation. Follow instructions. Avoid overexposure. As with natural sunlight,
5 overexposure can cause eye and skin injury and allergic reactions. REPEATED EXPOSURE
6 MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER. WEAR PROTECTIVE
7 EYEWEAR; FAILURE TO DO SO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY
8 TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation.
9 Consult physician before using tanning device if you are using medications or have a history of
10 skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you
11 are unlikely to tan from use of this product."

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

15 (b) All patrons are required to present proof of age prior to use of a tanning device. Proof
16 of age shall be satisfied with a driver's license or other government-issued identification containing
17 the date of birth and a photograph of the individual. Persons under the age of eighteen may not
18 be permitted to use a tanning device. ~~without the prior written consent of the person's parent or~~

19 ~~legal guardian. Photographic identification of the parent or legal guardian is required. A copy of~~
20 ~~the signed parental or legal guardian consent shall be maintained by the tanning facility and~~
21 ~~remains valid for one year from the date it was signed. Persons under the age of fourteen may~~
22 ~~not be permitted to use a tanning device.~~

§16-45-5. Violations and penalties.

1 (a) Any owner of a tanning facility who ~~fails to obtain parental consent for a minor under~~
2 ~~the age of eighteen or otherwise~~ violates the requirements of this article is guilty of a misdemeanor
3 and, upon conviction thereof, for a first offense, shall be fined \$100.

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

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

NOTE: The purpose of this bill is to prohibit the use of a tanning device by a person under the age of eighteen.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.