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**HEALTH REGULATIONS FOR PUBLIC  
INDOOR TANNING BEDS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: Phil Riesen

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**LONG TITLE**

**General Description:**

This bill amends the Health Code to authorize the Department of Health to regulate public tanning facilities.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes local health departments to issue permits for tanning facilities; and
- ▶ requires a person younger than 18 to obtain parental consent before using a tanning facility.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-15-2**, as enacted by Chapter 126, Laws of Utah 1981

ENACTS:

**26-15-13**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26-15-2** is amended to read:

30 **26-15-2. Minimum rules of sanitation established by department.**

31 The department shall establish and enforce, or provide for the enforcement of minimum  
32 rules of sanitation necessary to protect the public health. Such rules shall include, but not be  
33 limited to, rules necessary for the design, construction, operation, maintenance, or expansion  
34 of:

- 35 (1) restaurants and all places where food or drink is handled, sold or served to the
- 36 public;
- 37 (2) public swimming pools;
- 38 (3) public baths including saunas, spas, massage parlors, and suntan parlors;
- 39 (4) public bathing beaches;
- 40 (5) schools which are publicly or privately owned or operated;
- 41 (6) recreational resorts, camps, and vehicle parks;
- 42 (7) amusement parks and all other centers and places used for public gatherings;
- 43 (8) mobile home parks and highway rest stops;
- 44 (9) construction or labor camps;
- 45 (10) jails, prisons and other places of incarceration or confinement;
- 46 (11) hotels and motels;
- 47 (12) lodging houses and boarding houses;
- 48 (13) service stations;
- 49 (14) barbershops and beauty shops;
- 50 (15) physician and dentist offices;
- 51 (16) public buildings and grounds; [~~and~~]
- 52 (17) public conveyances and terminals[~~;~~]; and
- 53 (18) ~~H~~→ **commercial** ←~~H~~ tanning facilities.

54 Section 2. Section **26-15-13** is enacted to read:

55 **26-15-13. Regulation of tanning facilities.**

56 (1) For purposes of this section:

57 (a) "Phototherapy device" means equipment that emits ultraviolet radiation used by a  
58 health care professional in the treatment of disease.

59 (b) (i) "Tanning device" means any equipment that emits electromagnetic radiation  
 60 with wavelengths in the air between 200 and 400 nanometers used for tanning of the skin,  
 61 including:

62 (A) a sunlamp; and

63 (B) a tanning booth or bed.

64 (ii) "Tanning device" does not include a phototherapy device.

65 (c) "Tanning facility" means any ~~H~~→ **commercial** ←~~H~~ location, place, area, structure,  
 65a or business which  
 66 provides persons access to any tanning device.

67 (2) A tanning facility shall:

68 (a) annually obtain a permit to do business as a tanning facility from the local health  
 69 department with jurisdiction over the location in which the facility is located; and

70 (b) in accordance with Subsection (3) post a warning sign in a conspicuous location  
 71 that is readily visible to a person about to use a tanning device.

72 (3) The posted warning and written consent required by Subsections (2) and (5) shall  
 73 be developed by the department through administrative rules.

74 (4) It is unlawful for any operator of a tanning facility to allow a person younger than  
 75 18 years old to use a tanning device unless the minor's parent or legal guardian:

76 (a) appears in person at the tanning facility ~~S~~→ [each time] the first time that ←~~S~~ the minor  
 76a uses a tanning device ~~S~~→ , and at least once each 12 month period thereafter in which the minor uses  
 76b the tanning device ←~~S~~ ;

77 and

78 (b) signs the consent form required in Subsection (5).

79 (5) The written consent required by Subsection (4) shall be signed and dated, and shall  
 80 include at least:

81 (a) information concerning the health risks associated with the use of a tanning device;

82 (b) if the individual using the tanning device is a minor, a statement that:

83 (i) the parent or legal guardian of the minor has read and understood the warnings

84 given by the tanning facility, and consents to the minor's use of a tanning device; ~~S~~→ [and] ←~~S~~

85 (ii) the parent or legal guardian agrees that the minor will use protective eye wear ~~S~~→ ; and

85a (iii) includes the number of tanning sessions within the 12 month period of time the parent is  
 85b authorizing for the minor ←~~S~~ .

86 (6) A violation of this section:

87 (a) is a class C misdemeanor; and

88 (b) may result in the revocation of a permit to do business as a tanning facility. ~~S~~→

88a (7) This section supercedes any ordinance enacted by the governing body of a political  
 88b subdivision that imposes restrictions on access to a tanning device by a person younger than age 18  
 88c that is not essentially identical to the provisions of this section. ←~~S~~

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**Legislative Review Note**  
**as of 11-15-06 1:32 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 52 - Health Regulations for Public Indoor Tanning Beds**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations, but will require a reprioritization of resources within the Environmental Sanitation program.

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**Individual, Business and/or Local Impact**

Tanning facilities will be required to obtain a permit from the local health departments. The fee for this could range between \$50 and \$250. This revenue would be used by the local health departments to implement the provisions of the bill.

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*1/29/2007, 11:10:08 AM, Lead Analyst: Greer, W.*

**Office of the Legislative Fiscal Analyst**