

**Representative Gregory H. Hughes** proposes the following substitute bill:

**REGULATION OF TANNING FACILITIES**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: Brad R. Wilson

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**LONG TITLE**

**General Description:**

This bill amends Utah Health Code provisions regulating tanning facilities.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ prohibits a tanning facility from allowing use of its tanning device unless the person using the tanning device reads a statement warning of the dangers of skin cancer;
- ▶ amends tanning facility warning sign requirements;
- ▶ amends rulemaking authority;
- ▶ requires a statewide standard for operating a tanning facility;
- ▶ amends penalties; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 26-15-13, as enacted by Laws of Utah 2007, Chapter 25



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 26-15-13 is amended to read:

30 **26-15-13. Regulation of tanning facilities.**

31 (1) For purposes of this section:

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

34 (b) (i) "Tanning device" means ~~[any]~~ equipment, to which a tanning facility provides  
35 access, that emits electromagnetic radiation with wavelengths in the air between 200 and 400  
36 nanometers and is used for tanning of the skin, including:

37 (A) a sunlamp; and

38 (B) a tanning booth or bed.

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

40 (c) "Tanning facility" means ~~[any]~~ a commercial location, place, area, structure, or  
41 business ~~[which]~~ that provides ~~[persons]~~ access to ~~[any]~~ a tanning device.

42 ~~[(2) A tanning facility shall:]~~

43 ~~[(a) annually obtain a permit to do business as a tanning facility from the local health~~  
44 ~~department with jurisdiction over the location in which the facility is located; and]~~

45 ~~[(b) in accordance with Subsection (3) post a warning sign in a conspicuous location~~  
46 ~~that is readily visible to a person about to use a tanning device:]~~

47 ~~[(3) The posted warning and written consent required by Subsections (2) and (5) shall~~  
48 ~~be developed by the department through administrative rules.]~~

49 (2) (a) A tanning facility may not operate in this state unless it has obtained a permit to  
50 do so from the local health department with jurisdiction over the location at which the tanning  
51 facility is located.

52 (b) Unless revoked, the permit is valid for one year.

53 (3) A tanning facility may not allow a person to use a tanning device unless:

54 (a) within the past 12 months the facility has provided the person with written  
55 information explaining:

56 (i) the health risks associated with use of the device in accordance with Subsection (6);

57 and

58 (ii) the importance of using protective eyewear while using the device; and

59 (b) the facility provides the person with protective eyewear and instructs the person in  
60 the proper use of the eyewear;

61 (4) It is unlawful for any operator of a tanning facility to allow a person younger than  
62 18 years old to use a tanning device unless the minor's parent or legal guardian:

63 (a) appears in person at the tanning facility the first time that the minor uses a tanning  
64 device, and at least once each 12 month period thereafter in which the minor uses the tanning  
65 device; and

66 (b) signs the consent form required in ~~[Subsection (5)]~~ Subsection (6).

67 ~~[(5) The written consent required by Subsection (4) shall be signed and dated, and shall~~  
68 ~~include at least:]~~

69 ~~[(a) information concerning the health risks associated with the use of a tanning~~  
70 ~~device;]~~

71 ~~[(b) if the individual using the tanning device is a minor, a statement that:]~~

72 ~~[(i) the parent or legal guardian of the minor has read and understood the warnings~~  
73 ~~given by the tanning facility, and consents to the minor's use of a tanning device;]~~

74 ~~[(ii) the parent or legal guardian agrees that the minor will use protective eye wear;~~  
75 ~~and]~~

76 ~~[(iii) includes the number of tanning sessions within the 12 month period of time the~~  
77 ~~parent is authorizing for the minor.]~~

78 (5) A tanning facility shall post in a conspicuous place in the facility a sign notifying  
79 potential users of a tanning device:

80 (a) that there are health risks associated with use of the device; and

81 (b) that the facility may not allow a person under 18 years of age to use a tanning  
82 device unless the person obtains written consent from a parent or legal guardian.

83 (6) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
84 Administrative Rulemaking Act, specifying:

85 (a) minimum requirements a tanning facility shall satisfy to obtain a permit under  
86 Subsection (2)(a);

87 (b) the written information a tanning facility shall provide under Subsections (3)(a) and

88 (4)(b) which shall, at a minimum, include:

89 (i) a heading in 24 point bold letters "Use of a tanning device in known to cause skin  
90 cancer";

91 (ii) pictures of different skin lesions and melanomas that may be caused by exposure to  
92 the sun or tanning devices;

93 (iii) contact information for the department for the purpose of obtaining additional  
94 information about skin cancer; and

95 (iv) other health risk information;

96 (c) the instruction in the proper use of eyewear a tanning facility shall provide under  
97 Subsection (3)(b);

98 (d) procedures a tanning facility shall implement to ensure a person under 18 years of  
99 age does not use a tanning device unless the person has written consent from a parent or legal  
100 guardian; and

101 (e) the size, placement, and content of the sign a tanning facility must post under  
102 Subsection (5).

103 (7) The sign content required under Subsection (5) may include specific health risks  
104 associated with use of a tanning device.

105 (8) The rules adopted by the department under this section shall be applied uniformly  
106 across the state.

107 [~~6~~] (9) (a) A violation of this section:

108 [~~a~~] (i) is a class C misdemeanor; and

109 [~~b~~] (ii) may result in the revocation of a permit [to do business as a tanning facility]  
110 obtained under Subsection (2)(a).

111 (b) A violation of Subsection (4) shall result in revocation of a permit obtained under  
112 Subsection (2)(a).

113 [~~7~~] (10) This section supercedes any ordinance enacted by the governing body of a  
114 political subdivision that imposes restrictions on access to a tanning device by a person  
115 [younger than age 18 that] under 18 years of age and is not essentially identical to the  
116 provisions of this section.

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