

Effective 5/10/2016

Renumbered 5/3/2023

26-15-13 Regulation of tanning facilities.

- (1) For purposes of this section:
 - (a) "Minor" means a person under 18 years of age.
 - (b) "Phototherapy device" means equipment that emits ultraviolet radiation used by a health care professional in the treatment of disease.
 - (c)
 - (i) "Tanning device" means equipment to which a tanning facility provides access that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers used for tanning of the skin, including:
 - (A) a sunlamp; and
 - (B) a tanning booth or bed.
 - (ii) "Tanning device" does not include a phototherapy device.
 - (d) "Tanning facility" means a commercial location, place, area, structure, or business that provides access to a tanning device.
- (2) A tanning facility shall:
 - (a) annually obtain a permit to do business as a tanning facility from the local health department with jurisdiction over the location in which the facility is located; and
 - (b) in accordance with Subsection (3) post a warning sign in a conspicuous location that is readily visible to a person about to use a tanning device.
- (3) The posted warning and written consent required by Subsections (2) and (5) shall be developed by the department through administrative rules and shall include:
 - (a) that there are health risks associated with the use of a tanning device;
 - (b) that the facility may not allow a minor to use a tanning device unless the minor:
 - (i) has a written order from a physician; or
 - (ii) at each time of use is accompanied at the tanning facility by a parent or legal guardian who provides written consent authorizing the minor to use the tanning device.
- (4) It is unlawful for any operator of a tanning facility to allow a minor to use a tanning device unless:
 - (a) the minor has a written order from a physician as defined in Section 58-67-102, to use a tanning device as a medical treatment; or
 - (b)
 - (i) the minor's parent or legal guardian appears in person at the tanning facility each time that the minor uses a tanning device, except that the minor's parent or legal guardian is not required to remain at the facility for the duration of the use; and
 - (ii) the minor's parent or legal guardian signs the consent form required in Subsection (5).
- (5) The written consent required by Subsection (4) shall be signed and dated each time the minor uses a tanning device at the facility, and shall include at least:
 - (a) information concerning the health risks associated with the use of a tanning device; and
 - (b) a statement that:
 - (i) the parent or legal guardian of the minor has read and understood the warnings given by the tanning facility, and consents to the minor's use of a tanning device; and
 - (ii) the parent or legal guardian agrees that the minor will use protective eye wear.
- (6) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:
 - (a) minimum requirements a tanning facility shall satisfy to obtain a permit under Subsection (2);

- (b) the written information concerning health risks a facility should include in the posted signs required by Subsection (3) and in the consent form required by Subsection (5);
 - (c) procedures a tanning facility shall implement to ensure a minor and the minor's parent or legal guardian comply with Subsections (4) and (5), including use of a statewide uniform form:
 - (i) for a parent or legal guardian to certify and give consent under Subsection (5); and
 - (ii) that clearly identifies the department's seal or other means to indicate that the form is an official form of the department; and
 - (d) the size, placement, and content of the sign a tanning facility must post under Subsection (2).
- (7)
- (a) A violation of this section:
 - (i) is an infraction; and
 - (ii) may result in the revocation of a permit to do business as a tanning facility.
 - (b) If a person misrepresents to a tanning facility that the person is 18 years of age or older, the person is guilty of an infraction.
- (8) This section supercedes any ordinance enacted by the governing body of a political subdivision that:
- (a) imposes restrictions on access to a tanning device by a person younger than age 18 that is not essentially identical to the provisions of this section; or
 - (b) that require the posting of warning signs at the tanning facility that are not essentially identical to the provisions of this section.