

Effective 5/3/2023

26B-7-407 Regulation of tanning facilities.

- (1) For purposes of this section:
 - (a) "Minor" means an individual who is younger than 18 years old.
 - (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 old or older, the person is guilty of an infraction.
- (8) This section supersedes 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 18 years old 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.

Renumbered and Amended by Chapter 308, 2023 General Session