

1                                   **REGULATION OF TANNING FACILITIES**

2   2012 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Patricia W. Jones**

5                                   House Sponsor: Brad R. Wilson

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends Utah Health Code provisions regulating tanning facilities.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ amends definitions;
- 13           ▶ amends restrictions on use of a tanning facility's tanning device by a person under
- 14 18 years of age;
- 15           ▶ amends tanning facility warning sign requirements;
- 16           ▶ amends rulemaking authority;
- 17           ▶ amends penalties;
- 18           ▶ amends restriction on local tanning facility ordinances; and
- 19           ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 AMENDS:

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

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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) "Minor" means a person under 18 years of age.

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

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

38 (A) a sunlamp; and

39 (B) a tanning booth or bed.

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

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

43 (2) A tanning facility shall:

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

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

48 (3) The posted warning and written consent required by Subsections (2) and (5) shall  
49 be developed by the department through administrative rules[-] and shall include:

50 (a) that there are health risks associated with the use of a tanning device;

51 (b) that the facility may not allow a minor to use a tanning device unless the minor:

52 (i) has a written order from a physician; or

53 (ii) at each time of use is accompanied at the tanning facility by a parent or legal  
54 guardian who provides written consent authorizing the minor to use the tanning device.

55 (4) It is unlawful for any operator of a tanning facility to allow a ~~[person younger than~~  
56 ~~18 years old]~~ minor to use a tanning device unless:

57 (a) the minor has a written order from a physician as defined in Section 58-67-102, to

58 use a tanning device as a medical treatment; or

59 (b) (i) the minor's parent or legal guardian~~[-(a)]~~ appears in person at the tanning  
60 facility ~~[the first time]~~ each time that the minor uses a tanning device~~[-, and at least once each~~  
61 ~~12-month period thereafter in which the minor uses the tanning device], except that the minor's~~  
62 parent or legal guardian is not required to remain at the facility for the duration of the use; and

63 ~~[(b)]~~ (ii) the minor's parent or legal guardian signs the consent form required in  
64 Subsection (5).

65 (5) The written consent required by Subsection (4) shall be signed and dated each time  
66 the minor uses a tanning device at the facility, and shall include at least:

67 (a) information concerning the health risks associated with the use of a tanning device;  
68 and

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

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

72 (ii) the parent or legal guardian agrees that the minor will use protective eye wear~~[-;~~  
73 and].

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

76 (6) The department shall adopt administrative rules in accordance with Title 63G,  
77 Chapter 3, Utah Administrative Rulemaking Act, specifying:

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

80 (b) the written information concerning health risks a facility should include in the  
81 posted signs required by Subsection (3) and in the consent form required by Subsection (5);

82 (c) procedures a tanning facility shall implement to ensure a minor and the minor's  
83 parent or legal guardian comply with Subsections (4) and (5), including use of a statewide  
84 uniform form:

85 (i) for a parent or legal guardian to certify and give consent under Subsection (5); and

86 (ii) that clearly identifies the department's seal or other means to indicate that the form  
87 is an official form of the department; and

88 (d) the size, placement, and content of the sign a tanning facility must post under  
89 Subsection (2).

90 [~~(6)~~] (7) (a) A violation of this section:

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

92 [~~(b)~~] (ii) may result in the revocation of a permit to do business as a tanning facility.

93 (b) If a person misrepresents to a tanning facility that the person is 18 years of age or  
94 older, the person is guilty of a class C misdemeanor.

95 [~~(7)~~] (8) This section supercedes any ordinance enacted by the governing body of a  
96 political subdivision that:

97 (a) imposes restrictions on access to a tanning device by a person younger than age 18  
98 that is not essentially identical to the provisions of this section[-]; or

99 (b) that require the posting of warning signs at the tanning facility that are not  
100 essentially identical to the provisions of this section.