

Senator Howard A. Stephenson 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

LONG TITLE

General Description:

This bill amends Utah Health Code provisions regulating tanning facilities.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ amends tanning facility permit requirements;
- ▶ prohibits a tanning facility from allowing use of its tanning device unless the facility meets specified requirements;
- ▶ 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:



26 AMENDS:

27 **26-15-13**, as enacted by Laws of Utah 2007, Chapter 25



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

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

31 **26-15-13. Regulation of tanning facilities.**

32 (1) For purposes of this section:

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

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

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

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

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

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

57 (i) the health risks associated with use of the device; 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)]~~ Subsections (6)(a)(ii) and (iv).

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

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

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

88 (4)(b):

89 (iii) the instruction in the proper use of eyewear a tanning facility shall provide under
90 Subsection (3)(b);

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

94 (v) the size, placement, and content of the sign a tanning facility must post under
95 Subsection (5).

96 (b) The sign content required under Subsection (6)(a)(v) may include specific health
97 risks associated with use of a tanning device.

98 (7) The rules adopted by the department under Subsection (6) shall be applied
99 uniformly across the state.

100 [~~(6)~~] (8) (a) A violation of this section:

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

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

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

106 [~~(7)~~] (9) This section supercedes any ordinance enacted by the governing body of a
107 political subdivision that imposes restrictions on access to a tanning device by a person
108 [younger than age 18 that] under 18 years of age and is not essentially identical to the
109 provisions of this section.