

## SB0041S08 compared with SB0041S06

~~{deleted text}~~ shows text that was in SB0041S06 but was deleted in SB0041S08.

inserted text shows text that was not in SB0041S06 but was inserted into SB0041S08.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

~~{Senator Howard A}~~ Representative Gregory H. ~~{Stephenson}~~ 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

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- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) For purposes of this section:

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

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

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

(2) (a) A tanning facility may not operate in this state unless it has obtained a permit to

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do so from the local health department with jurisdiction over the location at which the tanning facility is located.

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

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

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

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

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

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

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

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

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

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

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

~~[(b) if the individual using the tanning device is a minor, 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;]~~

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

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

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

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

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

(6) The department shall make 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)(a);

(b) the written information a tanning facility shall provide under Subsections (3)(a) and (4)(b) which shall, at a minimum, include:

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

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

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

(iv) other health risk information;

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

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

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

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

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

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

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

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

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

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### Subsection (2)(a).

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