

HOUSE BILL No. 1293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-8-15.4.

Synopsis: Tanning facilities. Exempts from tanning facility regulation medical phototherapy treatment that meets certain requirements. Prohibits an individual less than 18 years of age from using a tanning device in a tanning facility. Requires the operator or owner of a tanning facility to include a statement in the written information required to be signed before an individual may use a tanning device that individuals less than 18 years of age may not use a tanning device. Requires a tanning facility operator to prohibit an individual who is less than 18 years of age from using a tanning device. Requires a tanning facility operator to check a specified government issued photo identification to confirm an individual is at least 18 years of age before the individual uses a tanning device.

Effective: July 1, 2019.

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January 10, 2019, read first time and referred to Committee on Public Health.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1293

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-8-15.4-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter does not
3 apply to **the following**:

- 4 (1) A medical treatment facility that uses ultraviolet radiation in
5 the treatment of disease.
- 6 (2) **Medical phototherapy treatment that is provided through**
7 **a prescription to a patient who is receiving medically**
8 **supervised treatment by and under the supervision of:**
 - 9 (A) a physician licensed under IC 25-22.5; or
 - 10 (B) an advanced practice registered nurse (as defined in
11 IC 25-23-1-1) who:
 - 12 (i) is licensed as a registered nurse under IC 25-23;
 - 13 (ii) has been granted prescriptive authority under
14 IC 25-23; and
 - 15 (iii) is trained in the use of phototherapy devices.

16 SECTION 2. IC 25-8-15.4-11 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. Before a person



1 uses a tanning device in a tanning facility, the operator, owner, or
 2 employee of the operator or owner of the tanning facility shall require
 3 the person to read and sign a written statement approved by the board
 4 that contains the following information:

5 **(1) A person who is less than eighteen (18) years of age may**
 6 **not use a tanning device in a tanning facility.**

7 ~~(1)~~ **(2)** A person who uses a tanning device in this tanning facility
 8 must use protective eyewear.

9 ~~(2)~~ **(3)** If the provided eye protection is not worn, use of a tanning
 10 device in this tanning facility may cause damage to the eyes.

11 ~~(3)~~ **(4)** Overexposure to the ultraviolet radiation produced by a
 12 tanning device in this tanning facility may cause burns.

13 ~~(4)~~ **(5)** Exposure to the ultraviolet radiation produced by the
 14 tanning devices in this tanning facility may cause premature aging
 15 of the skin and skin cancer.

16 ~~(5)~~ **(6)** Abnormal skin sensitivity to ultraviolet radiation or
 17 burning may be caused by certain foods, cosmetics, or
 18 medication, including the following:

19 (A) Tranquilizers.

20 (B) Diuretics.

21 (C) Antibiotics.

22 (D) High blood pressure medication.

23 (E) Birth control medication.

24 (F) Other photosensitizing agents as determined under rules
 25 adopted by the board.

26 ~~(6)~~ **(7)** A person who is taking a prescription drug or an
 27 over-the-counter drug should consult a physician or pharmacist
 28 before using a tanning device.

29 SECTION 3. IC 25-8-15.4-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a)** The operator of
 31 a tanning facility shall do the following:

32 **(1) Prohibit an individual who is less than eighteen (18) years**
 33 **of age from using a tanning device in the tanning facility.**

34 ~~(1)~~ **(2)** Have an employee present in the tanning facility during
 35 business hours who, as determined under rules adopted by the
 36 board, is knowledgeable in the correct operation of the tanning
 37 devices in the tanning facility and is able to assist persons in the
 38 proper use of the tanning devices.

39 ~~(2)~~ **(3)** Provide each person using a tanning device with properly
 40 sanitized eyewear that protects the eyes from ultraviolet radiation
 41 and allows adequate vision.

42 ~~(3)~~ **(4)** Provide instructions to each person using a tanning device



1 on how to maintain proper exposure distance as recommended by
 2 the manufacturer of the tanning device.

3 ~~(4)~~ **(5)** Limit each person using a tanning device to the maximum
 4 exposure time:

5 (A) established under rules of the board; or

6 (B) if the board has not adopted rules concerning exposure
 7 time for the tanning device, recommended by the manufacturer
 8 of the tanning device.

9 ~~(5)~~ **(6)** Not allow the temperature of a tanning facility to exceed
 10 one hundred (100) degrees Fahrenheit at any time.

11 ~~(6)~~ **(7)** Provide and maintain:

12 (A) the tanning facility; and

13 (B) tanning devices in the tanning facility;

14 in a manner that meets sanitation and safety rules adopted by the
 15 board.

16 **(b) The operator of a tanning facility shall ensure that an**
 17 **individual is at least eighteen (18) years of age before the individual**
 18 **may use a tanning device at the tanning facility by requiring the**
 19 **individual to provide proof of age through at least one (1)**
 20 **government issued identification bearing the individual's**
 21 **photograph, including a:**

22 **(1) state issued driver's license;**

23 **(2) state issued photographic identification card; or**

24 **(3) passport;**

25 **showing the individual to be at least eighteen (18) years of age.**

26 SECTION 4. IC 25-8-15.4-16, AS AMENDED BY P.L.82-2014,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 16. ~~(a)~~ A person who is less than ~~sixteen (16)~~
 29 **eighteen (18)** years of age may not use a tanning device in a tanning
 30 facility.

31 ~~(b)~~ A person who is at least ~~sixteen (16)~~ years of age but less than
 32 ~~eighteen (18)~~ years of age may not use a tanning device in a tanning
 33 facility unless the parent or guardian of the person has also signed the
 34 written statement under section ~~11~~ of this chapter in the presence of the
 35 operator of the tanning facility.

