

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

733S0077

SENATE BILL NO. 117

Introduced by: Senator Adelstein and Representatives Magstadt, Feinstein, and Sly

1 FOR AN ACT ENTITLED, An Act to provide for certain restrictions for the use of tanning
2 devices by minors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may permit a minor to use a tanning device at a tanning facility without the
7 consent of a parent or legal guardian. A violation of this section is a Class 2 misdemeanor.

8 Section 2. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The consent required pursuant to section 1 of this Act shall be evidenced by either of the
11 following written documents:

- 12 (1) A notarized statement of consent signed and dated by a parent or legal guardian; or
13 (2) A statement of consent signed and dated by a parent or legal guardian in the presence
14 of any person responsible for the operation of the tanning device at the tanning
15 facility.



1 Section 3. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Terms used in this Act mean:

4 (1) "Tanning device," equipment that emits electromagnetic radiation having
5 wavelengths in the air between two hundred and four hundred nanometers and that
6 is used for tanning human skin. The term does not include a phototherapy device
7 used by a physician licensed pursuant to chapter 36-4 that emits ultraviolet radiation
8 and is used in treating disease;

9 (2) "Tanning facility," a place or business that provides persons access to a tanning
10 device.

11 Section 4. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any person charged with a violation of section 1 of this Act may offer evidence, as a
14 defense, that the person made a reasonable attempt to investigate the age of the person by
15 examining an age-bearing identification document that would have appeared valid to a
16 reasonable and prudent person or relied upon a consent document that would have appeared
17 valid to a reasonable and prudent person.