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TANNING FOR MINORS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 5 absent

General Description:

This bill amends the regulation of tanning facilities.

Highlighted Provisions:

This bill:

- ▶ removes the provision that allows a minor to tan with a parent's or physician's consent; and
- ▶ directs the department to post warning signs that are consistent with the terms in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-15-13, as last amended by Laws of Utah 2016, Chapter 303

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



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

29 **26-15-13. Regulation of tanning facilities.**

30 (1) For purposes of this section:

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

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

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

37 (A) a sunlamp; and

38 (B) a tanning booth or bed.

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

40 (d) "Tanning facility" means a commercial location, place, area, structure, or business
41 that provides access to a tanning device.

42 (2) A tanning facility shall:

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

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

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

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

51 (b) that the facility may not allow a minor to use a tanning device [~~unless the minor: (i)~~
52 ~~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 minor to use a tanning
56 device [~~unless: (a) the minor has a written order from a physician as defined in Section~~
57 ~~58-67-102, to use a tanning device as a medical treatment; or~~].

58 [~~(b) (i) the minor's parent or legal guardian appears in person at the tanning facility~~

59 each time that the minor uses a tanning device, except that the minor's parent or legal guardian
60 is not required to remain at the facility for the duration of the use; and]

61 [~~(ii) the minor's parent or legal guardian signs the consent form required in Subsection~~
62 ~~(5):]~~

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

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

67 [~~(b) a statement that:]~~

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

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

71 [~~(6)~~ (5) The department shall adopt administrative rules in accordance with Title 63G,
72 Chapter 3, Utah Administrative Rulemaking Act, specifying:

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

75 (b) the written information concerning health risks a facility should include in the
76 posted signs required by Subsection (3) [~~and in the consent form required by Subsection (5)];~~

77 (c) procedures a tanning facility shall implement to ensure [~~a minor and the minor's~~
78 ~~parent or legal guardian comply] compliance with [~~Subsections (4) and (5), including use of a~~
79 ~~statewide uniform form:] Subsection (4); and~~~~

80 [~~(i) for a parent or legal guardian to certify and give consent under Subsection (5); and]~~

81 [~~(ii) that clearly identifies the department's seal or other means to indicate that the form~~
82 ~~is an official form of the department; and]~~

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

85 [~~(7)~~ (6) (a) A violation of this section:

86 (i) is an infraction; and

87 (ii) may result in the revocation of a permit to do business as a tanning facility.

88 (b) If a person misrepresents to a tanning facility that the person is 18 years of age or
89 older, the person is guilty of an infraction.

90 [~~8~~] (7) This section supercedes any ordinance enacted by the governing body of a
91 political subdivision that:

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

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