

HB 499

2014

1 A bill to be entitled

2 An act relating to the use of a tanning facility by a  
3 minor; providing a short title; amending s. 381.89,  
4 F.S.; revising the age of a minor prohibited from  
5 using a tanning device at a tanning facility;  
6 prohibiting a minor of any age from using a tanning  
7 device; providing an exception if a health care  
8 provider prescribes tanning sessions for a minor to  
9 treat a medical condition and the tanning facility has  
10 on file a statement signed by the minor's parent or  
11 guardian; requiring the statement to be witnessed by  
12 the operator or proprietor of the tanning facility;  
13 prohibiting a tanning facility from providing a number  
14 of tanning sessions that exceeds the health care  
15 provider's authorization, the Department of Health's  
16 rules, or the manufacturer's exposure schedule;  
17 requiring a parent or guardian to accompany a minor  
18 who is younger than 14 years of age during the  
19 prescribed tanning sessions; providing an effective  
20 date.

21  
22 WHEREAS, frequent exposure to ultraviolet radiation through  
23 the use of tanning devices increases the risk of developing skin  
24 cancer, including melanoma, the deadliest form of skin cancer,  
25 and

26 WHEREAS, the American Academy of Dermatology estimates that

27 nearly 2.3 million minors use tanning devices annually, and  
 28 WHEREAS, the United States Food and Drug Administration  
 29 warns that a minor's overexposure to ultraviolet radiation  
 30 during childhood greatly increases the chances of developing  
 31 skin cancer later in life, and

32 WHEREAS, the Legislature finds that it is in the public  
 33 interest to protect children from the harmful effects of  
 34 ultraviolet radiation through the use of tanning devices by  
 35 restricting a minor's access to such devices unless authorized  
 36 by a health care provider, NOW, THEREFORE,

37  
 38 Be It Enacted by the Legislature of the State of Florida:

39  
 40 Section 1. This act may be cited as the "Preventing Youth  
 41 Cancer Act."

42 Section 2. Present subsections (9) through (13) of section  
 43 381.89, Florida Statutes, are redesignated as subsections (8)  
 44 through (12), respectively, and present subsections (7), (8),  
 45 and (10) of that section are amended, to read:

46 381.89 Regulation of tanning facilities.—

47 (7) (a) A tanning facility may not allow a minor ~~between~~  
 48 ~~the ages of 14 and 18~~ to use a tanning device unless:

49 1. The use of the tanning device is prescribed by a health  
 50 care provider to treat a medical condition; and

51 2. The tanning facility ~~it~~ has on file a statement signed  
 52 by the minor's parent or legal guardian and witnessed by the

53 operator or proprietor of the tanning facility stating that the  
 54 parent or legal guardian:

55 a. Has read and understands the warnings given by the  
 56 tanning facility;~~;~~

57 b. Consents to the minor's use of a tanning device;~~;~~ and

58 c. Agrees that the minor will use the provided protective  
 59 eyewear; and-

60 d. Authorizes a specified number of tanning sessions for  
 61 the minor as authorized by the minor's health care provider.

62 (b) The number of tanning sessions provided by a tanning  
 63 facility may not exceed the number of sessions prescribed by the  
 64 health care provider, the rules of the department, or the  
 65 manufacturer's exposure schedule.

66 (c) The parent or legal guardian must accompany a minor  
 67 who is younger than 14 years of age during the prescribed  
 68 tanning sessions.

69 ~~(8) A minor under the age of 14 must be accompanied by a~~  
 70 ~~parent or legal guardian when using a tanning device.~~

71 ~~(9)-(10) PENALTIES.—~~

72 (a) Each of the following acts constitutes a felony of the  
 73 third degree, punishable as provided in s. 775.082 or s.  
 74 775.083:

75 1. Owning or operating, or soliciting business as, a  
 76 tanning facility in this state without first procuring a license  
 77 from the department, unless specifically exempted by this  
 78 section.

HB 499

2014

79           2. Obtaining or attempting to obtain a license by means of  
80 fraud, misrepresentation, or concealment.

81           (b) Each of the following acts constitutes a misdemeanor  
82 of the second degree, punishable as provided in s. 775.082 or s.  
83 775.083:

84           1. Failing to maintain the records required by this  
85 section or knowingly making false entries in such records.

86           2. Failing to comply with subsection (7) ~~or subsection~~  
87 ~~(8)~~.

88           (c) The court may, in addition to other punishment  
89 provided for, suspend or revoke the license of any licensee  
90 under this section who has been found guilty of any violation  
91 listed in paragraph (a) or paragraph (b).

92           (d) In the event the department or any state attorney  
93 shall have probable cause to believe that a tanning facility or  
94 other person has violated any provision of paragraph (a), an  
95 action may be brought by the department or any state attorney to  
96 enjoin such tanning facility or ~~any~~ person from continuing such  
97 violation, or engaging therein or doing any acts in furtherance  
98 thereof, and for such other relief as to the court seems  
99 appropriate.

100           Section 3. This act shall take effect October 1, 2014.