

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

238R0294

SENATE BILL NO. 154

Introduced by: Senators Adelstein and Bradford and Representatives Pitts, McLaughlin, and Nygaard

1 FOR AN ACT ENTITLED, An Act to prohibit the use of tanning devices by minors.

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

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

5 Terms used in this Act mean:

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

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

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

15 No person may permit a minor to use a tanning device at a tanning facility. A violation of



1 this section is a Class 2 misdemeanor.

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

4 Any person charged with a violation of section 2 of this Act may offer evidence, as a
5 defense, that the person made a reasonable attempt to investigate the age of the person by
6 examining an age-bearing identification document that would have appeared valid to a
7 reasonable and prudent person or relied upon a consent document that would have appeared
8 valid to a reasonable and prudent person.