

Representative Brad M. Daw proposes the following substitute bill:

TANNING FOR MINORS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Allen M. Christensen

LONG TITLE

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 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:

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

26-15-13. Regulation of tanning facilities.



26 (1) For purposes of this section:

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

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

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

33 (A) a sunlamp; and

34 (B) a tanning booth or bed.

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

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

38 (2) A tanning facility shall:

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

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

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

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

47 (b) that the facility may not allow a minor to use a tanning device unless the minor[:
48 (i)] has a written order from a physician[~~;~~or].

49 [~~(ii) at each time of use is accompanied at the tanning facility by a parent or legal
50 guardian who provides written consent authorizing the minor to use the tanning device.~~]

51 (4) It is unlawful for any operator of a tanning facility to allow a minor to use a tanning
52 device unless[:~~(a)~~] the minor has a written order from a physician as defined in Section
53 58-67-102, to use a tanning device as a medical treatment[~~;~~or].

54 [~~(b) (i) the minor's parent or legal guardian appears in person at the tanning facility
55 each time that the minor uses a tanning device, except that the minor's parent or legal guardian
56 is not required to remain at the facility for the duration of the use; and]~~

57 ~~[(ii) the minor's parent or legal guardian signs the consent form required in Subsection~~
58 ~~(5).]~~

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

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

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

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

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

67 ~~[(6)]~~ (5) The department shall adopt administrative rules in accordance with Title 63G,
68 Chapter 3, Utah Administrative Rulemaking Act, specifying:

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

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

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

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

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

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

81 ~~[(7)]~~ (6) (a) A violation of this section:

82 (i) is an infraction; and

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

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

86 ~~[(8)]~~ (7) This section supercedes any ordinance enacted by the governing body of a
87 political subdivision that:

88 (a) imposes restrictions on access to a tanning device by a person younger than age 18
89 that is not essentially identical to the provisions of this section; or
90 (b) that require the posting of warning signs at the tanning facility that are not
91 essentially identical to the provisions of this section.