

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

No. 507      Session of  
1997

---

INTRODUCED BY E. Z. TAYLOR, MILLER, ITKIN, FICHTER, L. I. COHEN,  
CURRY, RUBLEY, MELIO, THOMAS, C. WILLIAMS, SANTONI, BELARDI,  
MUNDY, COLAFELLA, WOGAN, CORRIGAN, GANNON, HERSHEY, JOSEPHS,  
BOSCOLA, DeLUCA, YOUNGBLOOD, BEBKO-JONES, HENNESSEY,  
LAUGHLIN, ROBERTS, CIVERA, ROSS AND RAMOS, FEBRUARY 12, 1997

---

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, NOVEMBER 9, 1998

---

AN ACT

1 Regulating tanning facilities; providing for the registration of  
2 persons operating tanning facilities; requiring that certain  
3 warnings be given and safeguards be taken; providing  
4 penalties; and making a repeal.

5 TABLE OF CONTENTS

- 6 Section 1. Short title.
- 7 Section 2. Legislative findings and declarations.
- 8 Section 3. Definitions.
- 9 Section 4. Registration required.
- 10 Section 5. Compliance with Federal laws and regulations.
- 11 Section 6. Warning statement required.
- 12 Section 7. Warning sign required.
- 13 Section 8. General requirements.
- 14 Section 9. Certain claims prohibited.
- 15 Section 10. Injured patrons.
- 16 Section 11. Exclusion.

1 Section 12. Powers and duties of department.

2 Section 13. Penalty.

3 Section 14. Repeal.

4 Section 15. Effective date.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Tanning  
9 Facilities Act.

10 Section 2. Legislative findings and declarations.

11 The General Assembly finds and declares as follows:

12 (1) Many physicians and scientists now warn that the  
13 risks associated with suntanning are greater when tanning  
14 with artificial ultraviolet light.

15 (2) These risks include, but are not limited to,  
16 sunburn, premature aging, skin cancer, retinal damage,  
17 formation of cataracts, suppression of the immune system and  
18 damage to the vascular system.

19 (3) Certain medications, cosmetics and foods are  
20 "photosensitizing," which means that in some people they  
21 react unfavorably with ultraviolet light to produce skin  
22 rashes or burns.

23 (4) Sunlamps and other artificial sources of ultraviolet  
24 light are known to intensify these effects.

25 (5) The creation of State law to protect and promote the  
26 public health, safety and welfare is needed concerning  
27 tanning with artificial ultraviolet light.

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall  
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Department." The Department of Health of the Commonwealth.

3 "Phototherapy device." Equipment that emits ultraviolet  
4 radiation used by a health care professional in the treatment of  
5 disease.

6 "Protective eyewear." Any device designed to be worn by  
7 users of a tanning device to reduce exposure of the eyes to  
8 radiation emitted by the device.

9 "Tanning device." Any equipment that emits ultraviolet  
10 radiation with wavelengths in the air between 200 and 400  
11 nanometers and that is used for tanning of the skin. The term  
12 includes, but is not limited to, a sunlamp, tanning unit,  
13 tanning booth or tanning bed.

14 "Tanning facility." Any location, place, area, structure or  
15 business which provides persons access to any tanning device for  
16 compensation.

17 "Timer." Any device incorporated into a tanning device which  
18 terminates radiation emission after a preset time interval.

19 "Ultraviolet lamp." Any lamp which produces ultraviolet  
20 radiation in the wavelength interval of 200 to 400 nanometers in  
21 air and which is intended for use in tanning devices.

22 "Ultraviolet radiation." Electromagnetic radiation with  
23 wavelengths in air between 200 to 400 nanometers.

24 Section 4. Registration required.

25 (a) Registration of tanning facilities.--A person shall not  
26 operate a tanning facility without first having registered with  
27 the department. Registration shall be renewed annually.  
28 Applications for registration and renewal of registration shall  
29 be in such form as the department shall prescribe.

30 ~~(b) Registration fees. Unless changed by the department by~~ <—

1 ~~regulation, the initial registration fee shall be \$35 and the~~  
2 ~~annual registration renewal fee shall be \$25.~~

3 (B) REGISTRATION FEES.--THE DEPARTMENT SHALL CHARGE AN <—  
4 INITIAL REGISTRATION FEE OF \$35 AND AN ANNUAL REGISTRATION  
5 RENEWAL FEE OF \$25. THE REGISTRATION FEES AUTHORIZED IN THIS  
6 SUBSECTION SHALL EXPIRE UPON PROMULGATION OF REGULATIONS  
7 PURSUANT TO SECTION 12(A)(3).

8 Section 5. Compliance with Federal laws and regulations.

9 Any tanning device used by a tanning facility shall comply  
10 with all applicable Federal laws and regulations.

11 Section 6. Warning statement required.

12 A tanning facility shall give each customer a written  
13 statement warning that:

14 (1) Not wearing the eye protection provided to the  
15 customer by the tanning center may cause damage to the eyes.

16 (2) Overexposure causes burns.

17 (3) Repeated exposure may cause premature aging of the  
18 skin and skin cancer.

19 (4) Abnormal skin sensitivity or burning may be caused  
20 by certain:

21 (i) Foods.

22 (ii) Cosmetics.

23 (iii) Medications, including, but not limited to,  
24 the following:

25 (A) Tranquilizers.

26 (B) Diuretics.

27 (C) Antibiotics.

28 (D) High blood pressure medicines.

29 (E) Birth control pills.

30 (5) Any person taking a prescription or over-the-counter

1 drug should consult a physician before using a tanning  
2 device.

3 Section 7. Warning sign required.

4 A tanning facility shall post a warning sign in any area  
5 where a tanning device is used. The sign shall read as follows:

6 DANGER: ULTRAVIOLET RADIATION

7 1. Follow instructions.

8 2. Avoid too frequent or too lengthy exposure. As with  
9 natural sunlight, exposure can cause eye and skin injury  
10 and allergic reactions. Repeated exposure may cause  
11 chronic sun damage characterized by wrinkling, dryness,  
12 fragility and bruising of the skin and may cause skin  
13 cancer.

14 3. Wear protective eyewear.

15 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE  
16 BURNS OR LONG-TERM INJURY TO THE EYES.

17 4. Ultraviolet radiation from sun lamps will aggravate  
18 the effects of the sun. Therefore, do not sunbathe before  
19 or after exposure to ultraviolet radiation.

20 5. Medications or cosmetics may increase your  
21 sensitivity to ultraviolet radiation. Consult a physician  
22 before using a sunlamp if you are using medications, have  
23 a history of skin problems or believe you are especially  
24 sensitive to sunlight. Pregnant women or women on birth  
25 control pills who use this product may develop discolored  
26 skin.

27 IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE  
28 OF THIS DEVICE.

29 Section 8. General requirements.

30 (a) Tanning facilities.--A tanning facility shall:

1           (1) Have an operator present during operating hours who  
2           is sufficiently knowledgeable in the correct operation of the  
3           tanning devices used at the facility so that he or she is  
4           able to inform and assist each customer in the proper use of  
5           the tanning devices.

6           (2) Before each use of a tanning device, provide each  
7           customer with properly sanitized protective eyewear that  
8           protects the eyes from ultraviolet radiation and allows  
9           adequate vision to maintain balance; and not allow a person  
10          to use a tanning device if that person does not use the  
11          protective eyewear.

12          (3) Show each customer how to use suitable physical  
13          aids, such as handrails and markings on the floor, to  
14          maintain proper exposure distance as recommended by the  
15          manufacturer.

16          (4) Use a timer that has an accuracy of plus or minus  
17          10% of any selected timer interval.

18          (5) Limit each customer to the maximum exposure time as  
19          recommended by the manufacturer.

20          (6) Control the interior temperature of a tanning  
21          facility so that it does not exceed 100 degrees Fahrenheit.

22          (b) Persons using tanning facilities.--

23               (1) Every person who uses a tanning facility shall sign  
24               a written statement acknowledging that he or she has read and  
25               understood the warnings under sections 6 and 7 before using  
26               the device and agrees to use the protective eyewear that the  
27               tanning facility provides. The statement of acknowledgment  
28               shall be retained by the tanning facility until the end of  
29               the calendar year, at which time each person who is a current  
30               customer of the facility shall be required to renew that

1 acknowledgment.

2 (2) Whenever using a tanning device, a person shall use  
3 the protective eyewear that the tanning facility provides.

4 (3) Before any person between 14 and 18 years of age  
5 uses a tanning device, he or she shall give the tanning  
6 facility a statement, signed by his or her parent or legal  
7 guardian, stating that the parent or legal guardian has read  
8 and understood the warnings given by the tanning facility,  
9 consents to the minor's use of a tanning device and agrees  
10 that the minor will use the protective eyewear that the  
11 tanning facility provides.

12 (4) A person 14 years of age or younger shall be  
13 accompanied by a parent or legal guardian when using a  
14 tanning device.

15 (5) Before any person uses a tanning device in a tanning  
16 facility, he shall complete a form prescribed by the  
17 department, listing all prescriptions and over-the-counter  
18 medications currently being taken. The facility shall advise  
19 the customer in writing of those medications which are  
20 photosensitive, in accordance with a listing provided by the  
21 department, prior to permitting the use of a tanning device.

22 Section 9. Certain claims prohibited.

23 A tanning facility shall not claim or distribute promotional  
24 materials that claim that using a tanning device is safe or free  
25 from risk.

26 Section 10. Injured patrons.

27 (a) Reports.--If a patron is injured and, whereupon, he or  
28 she must seek medical attention, a tanning facility shall do the  
29 following:

30 (1) Report any injury to the department.

1           (2) Send a copy of the injury report to the person who  
2 is injured.

3           (3) Send a copy of the injury report to the Federal Food  
4 and Drug Administration.

5           (b) Liability.--Nothing in this act shall be construed to  
6 diminish any right of recovery by a consumer which exists under  
7 any other statute or judicial decision.

8 Section 11. Exclusion.

9           This act does not apply to a phototherapy device used by or  
10 under the direct supervision of a licensed physician who is  
11 trained in the use of phototherapy devices.

12 Section 12. Powers and duties of department.

13           (a) Regulations.--The department shall promulgate  
14 regulations providing for:

15               (1) Adequate training of tanning device operators.

16               (2) Proper sanitation of tanning equipment to prevent  
17 skin disease transmissions.

18               (3) A FEE SCHEDULE FOR THE INITIAL REGISTRATION AND THE <—  
19 ANNUAL REGISTRATION RENEWAL OF TANNING FACILITIES.

20           ~~(3)~~ (4) Additional rules and regulations as it may deem <—  
21 necessary to carry out the provisions of this act.

22           (b) Use of guidelines.--In order to facilitate the prompt  
23 implementation of this act, the department shall have the power  
24 and authority to promulgate, adopt and use guidelines to  
25 implement the provisions of this act. Such guidelines shall be  
26 published in the Pennsylvania Bulletin. The guidelines shall not  
27 be subject to review pursuant to section 205 of the act of July  
28 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
29 Documents Law, sections 204(b) and 301(10) of the act of October  
30 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys



1 Act, or the act of June 25, 1982 (P.L.633, No.181), known as the  
2 Regulatory Review Act, and shall be effective for a period of  
3 not more than two years from the effective date of this act.

4 After the expiration of the two-year period, the guidelines  
5 shall expire and shall be replaced by regulations which shall  
6 have been promulgated, adopted and published as provided by law.

7 (c) Inspections.--The department shall ~~have the authority to~~ <—  
8 ~~provide for the inspection of~~ INSPECT tanning facilities to <—  
9 ensure compliance with this act.

10 Section 13. Penalty.

11 A violation of this act constitutes a misdemeanor of the  
12 third degree. Each day a violation continues constitutes a  
13 separate offense.

14 Section 14. Repeal.

15 Section 14.1 of the act of May 3, 1933 (P.L.242, No.86),  
16 referred to as the Cosmetology Law, is repealed insofar as it is  
17 inconsistent with the provisions of this act.

18 Section 15. Effective date.

19 This act shall take effect as follows:

20 (1) Section 12 of this act shall take effect  
21 immediately.

22 (2) This section shall take effect immediately.

23 (3) The remainder of this act shall take effect in 180  
24 days.