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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 648      Session of  
1993

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INTRODUCED BY PESCI, MELIO, VEON, PISTELLA, E. Z. TAYLOR, HARLEY  
AND JOSEPHS, MARCH 22, 1993

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 22, 1993

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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.

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3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Tanning  
7 Facilities Act.

8 Section 2. Legislative findings and declarations.

9 The General Assembly finds and declares as follows:

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

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

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

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

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

26 Section 3. Definitions.

27 The following words and phrases when used in this act shall  
28 have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:

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

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

4 "Tanning device." Any equipment that emits electromagnetic  
5 radiation with wavelengths in the air between 200 and 400  
6 nanometers and that is used for tanning of the skin. The term  
7 includes, but is not limited to, a sunlamp, tanning unit,  
8 tanning booth or tanning bed. The term also includes any  
9 accompanying equipment, including, but not limited to,  
10 protective eyewear, timers and handrails.

11 "Tanning facility." Any location, place, area, structure or  
12 business which provides persons access to any tanning device.

13 Section 4. Registration required.

14 A person shall not operate a tanning facility without first  
15 having registered with the department. Registration shall be  
16 renewed annually. Applications for registration and renewal of  
17 registration shall be in such form and accompanied by such fee  
18 as the department may prescribe.

19 Section 5. Compliance with Federal laws and regulations.

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

22 Section 6. Warning statement required.

23 A tanning facility shall give each customer a written  
24 statement warning that:

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

27 (2) Overexposure causes burns.

28 (3) Repeated exposure may cause premature aging of the  
29 skin and skin cancer.

30 (4) Abnormal skin sensitivity or burning may be caused

by certain:

(i) Foods.

(ii) Cosmetics.

(iii) Medications, including, but not limited to,

the following:

(A) Tranquilizers.

(B) Diuretics.

(C) Antibiotics.

(D) High blood pressure medicines.

(E) Birth control pills.

(5) Any person taking a prescription or over-the-counter drug, should consult a physician before using a tanning device.

#### Section 7. Warning sign required.

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

##### DANGER: ULTRAVIOLET RADIATION

1. Follow instructions.

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

3. Wear protective eyewear.

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

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

1           5. Medications or cosmetics may increase your  
2           sensitivity to ultraviolet radiation. Consult a physician  
3           before using a sunlamp if you are using medications, have  
4           a history of skin problems or believe you are especially  
5           sensitive to sunlight. Pregnant women or women on birth  
6           control pills who use this product may develop discolored  
7           skin.

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

10 Section 8. General requirements.

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

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

17           (2) Before each use of a tanning device, provide each  
18           customer with properly sanitized protective eyewear that  
19           protects the eyes from ultraviolet radiation and allows  
20           adequate vision to maintain balance; and not allow a person  
21           to use a tanning device if that person does not use the  
22           protective eyewear.

23           (3) Show each customer how to use suitable physical  
24           aids, such as handrails and markings on the floor, to  
25           maintain proper exposure distance as recommended by the  
26           manufacturer.

27           (4) Use a timer that has an accuracy of plus or minus  
28           10% of any selected timer interval.

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

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

(b) Persons using tanning facilities.--

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

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

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

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

Section 9. Certain claims prohibited.

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

Section 10. Injured patrons.

(a) Reports.--If a patron is injured and, whereupon, he or

1 she must seek medical attention, a tanning facility shall do the  
2 following:

3 (1) Report any injury to the department.

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

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

8 (b) Liability.--The liability of a tanning facility operator  
9 or a manufacturer of a tanning device is not changed by giving  
10 the warning under this act.

11 Section 11. Exclusion.

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

15 Section 12. Rules and regulations.

16 The department may adopt such rules and regulations as it may  
17 deem necessary to carry out the provisions of this act.

18 Section 13. Penalty.

19 A violation of this act constitutes a misdemeanor of the  
20 third degree. Each day a violation continues constitutes a  
21 separate offense.

22 Section 14. Repeal.

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

26 Section 15. Effective date.

27 This act shall take effect in 60 days.