
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 548 Session of
2005

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SATHER, SCHRODER, THOMAS, TIGUE, WALKO, WASHINGTON AND
YOUNGBLOOD, FEBRUARY 15, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 15, 2005

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; imposing
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. Definitions.

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

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

13 "Phototherapy device." Equipment that emits ultraviolet
14 radiation used by a health care professional in the treatment of
15 disease.

16 "Protective eyewear." Any device designed to be worn by
17 users of a tanning device to reduce exposure of the eyes to
18 radiation emitted by the device.

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

24 "Tanning facility." Any location, place, area, structure or
25 business which provides persons access to any tanning device for
26 compensation.

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

29 "Ultraviolet lamp." Any lamp which produces ultraviolet
30 radiation in the wavelength interval of 200 to 400 nanometers in

1 air and which is intended for use in tanning devices.

2 "Ultraviolet radiation." Electromagnetic radiation with
3 wavelengths in air between 200 to 400 nanometers.

4 Section 3. Registration required.

5 (a) Registration of tanning facilities.--A person shall not
6 operate a tanning facility without first having registered with
7 the department. Registration shall be renewed annually. The
8 owner of the facility shall file an application for registration
9 with the department on a form prescribed by the department that
10 shall include at least the following:

11 (1) Applicant's or owner's name, address and telephone
12 number.

13 (2) Name of the tanning facility, address and telephone
14 number.

15 (3) Type and year of ultraviolet lamps or tanning
16 device.

17 (4) Name of ultraviolet lamp and tanning device
18 manufacturer.

19 (5) Primary function of the business in which the
20 tanning facility is located.

21 (6) Signed and dated certification that the applicant
22 has read and understands the regulations promulgated pursuant
23 to this act.

24 (b) Registration fees.--Unless changed by the department by
25 regulation, the initial registration fee shall be \$35 and the
26 annual registration renewal fee shall be \$25.

27 (c) Sanctions.--Registration may be denied, suspended,
28 revoked, or the renewal of a license may be denied for any of
29 the following reasons:

30 (1) Violation of any of the provisions of this act or

1 the regulations adopted by the department.

2 (2) Conviction of an applicant or registration holder of
3 an offense arising from false, fraudulent, deceptive or
4 misleading advertising. The record of conviction or a
5 certified copy shall be conclusive evidence of the
6 conviction.

7 (d) Administrative fine.--In addition to any other penalty
8 provided by law, the department may levy an administrative fine
9 of not more than \$1,000 for a violation of the act.

10 Section 4. Compliance with Federal laws and regulations.

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

13 Section 5. Warning statement required.

14 A tanning facility shall give each customer a written
15 statement warning that:

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

18 (2) Overexposure causes burns.

19 (3) Repeated overexposure may cause premature aging of
20 the skin and skin cancer.

21 (4) Abnormal skin sensitivity or burning may be caused
22 by certain:

23 (i) Foods.

24 (ii) Cosmetics.

25 (iii) Medications, including, but not limited to,
26 the following:

27 (A) Tranquilizers.

28 (B) Diuretics.

29 (C) Antibiotics.

30 (D) High blood pressure medicines.

1 (E) Birth control pills.

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

5 Section 6. Warning sign required.

6 (a) Facility sign.--A tanning facility shall post a warning
7 sign in a conspicuous location where it is readily readable by
8 persons entering the establishment. The sign shall contain the
9 following warning:

10 DANGER: ULTRAVIOLET RADIATION

11 Repeated exposure to ultraviolet radiation may cause
12 chronic sun damage to the skin characterized by
13 wrinkling, dryness, fragility, bruising of the skin, and
14 skin cancer.

15 Failure to use protective eyewear may result in
16 severe burns or permanent injury to the eyes.

17 Medications or cosmetics may increase your
18 sensitivity to ultraviolet radiation. Consult a physician
19 before using a sunlamp if you are using medications, have
20 a history of skin problems, or believe you are especially
21 sensitive to sunlight. Pregnant women or women taking
22 oral contraceptives who use this product may develop
23 discolored skin.

24 IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM

25 USE OF AN ULTRAVIOLET SUNLAMP

26 (b) Device sign.--A tanning facility shall post a warning
27 sign, one sign for each tanning device, in a conspicuous
28 location that is readily readable to a person about to use the
29 device. The sign shall contain the following:

30 DANGER: ULTRAVIOLET RADIATION

1 (1) Follow the manufacturer's instructions for use of
2 this device.

3 (2) Avoid too frequent or lengthy exposure. As with
4 natural sunlight, exposure can cause serious eye and skin
5 injuries and allergic reactions. Repeated exposure may cause
6 skin cancer.

7 (3) Wear protective eyewear. Failure to use protective
8 eyewear may result in severe burns or permanent damage to the
9 eyes.

10 (4) Do not sunbathe before or after exposure to
11 ultraviolet radiation from sunlamps.

12 (5) Medication or cosmetics may increase your
13 sensitivity to ultraviolet radiation. Consult a physician
14 before using a sunlamp if you are using medication, have a
15 history of skin problems or believe you are especially
16 sensitive to sunlight. Pregnant women or women using oral
17 contraceptives who use this product may develop discolored
18 skin.

19 IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN
20 FROM USE OF THIS DEVICE

21 Section 7. General requirements.

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

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

28 (2) Before each use of a tanning device, provide each
29 customer with properly sanitized protective eyewear that
30 protects the eyes from ultraviolet radiation and allows

1 adequate vision to maintain balance; and not allow a person
2 to use a tanning device if that person does not use the
3 protective eyewear.

4 (3) Show each customer how to use suitable physical
5 aids, such as handrails and markings on the floor, to
6 maintain proper exposure distance as recommended by the
7 manufacturer.

8 (4) Use a timer that has an accuracy of plus or minus
9 10% of any selected timer interval.

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

12 (6) Control the interior temperature of a tanning device
13 so that it does not exceed 100 degrees Fahrenheit.

14 (b) Persons using tanning facilities.--

15 (1) Every person who uses a tanning facility shall sign
16 a written statement acknowledging that he or she has read and
17 understood the warnings under sections 5 and 6 before using
18 the device and agrees to use the protective eyewear that the
19 tanning facility provides. The statement of acknowledgment
20 shall be retained by the tanning facility until the end of
21 the calendar year, at which time each person who is a current
22 customer of the facility shall be required to renew that
23 acknowledgment.

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

26 (3) Before any person between 14 and 18 years of age
27 uses a tanning device, he or she shall give the tanning
28 facility a statement, signed by his or her parent or legal
29 guardian, stating that the parent or legal guardian has read
30 and understood the warnings given by the tanning facility,

1 consents to the minor's use of a tanning device and agrees
2 that the minor will use the protective eyewear that the
3 tanning facility provides.

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

7 Section 8. Certain claims prohibited.

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

11 Section 9. Injured patrons.

12 (a) Reports.--If a patron sustains an injury related to
13 exposure to ultraviolet light and, whereupon, he or she must
14 seek medical attention, a tanning facility shall do the
15 following:

16 (1) Report any injury to the department.

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

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

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

24 Section 10. Exclusions.

25 This act does not apply to:

26 (1) Phototherapy devices utilized by appropriate health
27 care professionals under the direct supervision of a
28 physician who is trained in the use of phototherapy devices.

29 (2) Personal use in private residences of devices
30 intended for purposes other than the irradiation of human

1 skin.

2 Section 11. Powers and duties of department.

3 (a) Regulations.--The department shall promulgate
4 regulations providing for:

5 (1) Adequate training of tanning device operators.

6 (2) Proper sanitation of tanning equipment to prevent
7 skin disease transmissions.

8 (3) Additional rules and regulations as it may deem
9 necessary to carry out the provisions of this act.

10 (b) Use of guidelines.--In order to facilitate the prompt
11 implementation of this act, the department shall have the power
12 and authority to promulgate, adopt and use guidelines to
13 implement the provisions of this act. Such guidelines shall be
14 published in the Pennsylvania Bulletin. The guidelines shall not
15 be subject to review pursuant to section 205 of the act of July
16 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
17 Documents Law, sections 204(b) and 301(10) of the act of October
18 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
19 Act, or the act of June 25, 1982 (P.L.633, No.181), known as the
20 Regulatory Review Act, and shall be effective for a period of
21 not more than two years from the effective date of this act.

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

25 (c) Inspections.--The department shall have the authority to
26 provide for the inspection of tanning facilities to ensure
27 compliance with this act.

28 Section 12. Penalty.

29 In addition to administrative action by the department, a
30 violation of this act shall be considered a violation of the act

1 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
2 Trade Practices and Consumer Protection Law.

3 Section 13. Repeal.

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

7 Section 14. Effective date.

8 This act shall take effect as follows:

9 (1) Section 11 of this act shall take effect
10 immediately.

11 (2) This section shall take effect immediately.

12 (3) The remainder of this act shall take effect in 180
13 days.