
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 109 Session of
2003

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SHANER, SOLOBAY AND PRESTON, FEBRUARY 4, 2003

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 4, 2003

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

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

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

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

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

20 "Ultraviolet radiation." Electromagnetic radiation with
21 wavelengths in air between 200 to 400 nanometers.

22 Section 4. Registration required.

23 (a) Registration of tanning facilities.--A person shall not
24 operate a tanning facility without first having registered with
25 the department. Registration shall be renewed annually.

26 Applications for registration and renewal of registration shall
27 be in such form as the department shall prescribe.

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

1 Section 5. Compliance with Federal laws and regulations.

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

4 Section 6. Warning statement required.

5 A tanning facility shall give each customer a written
6 statement warning that:

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

9 (2) Overexposure causes burns.

10 (3) Repeated exposure may cause premature aging of the
11 skin and skin cancer.

12 (4) Abnormal skin sensitivity or burning may be caused
13 by certain:

14 (i) Foods.

15 (ii) Cosmetics.

16 (iii) Medications, including, but not limited to,
17 the following:

18 (A) Tranquilizers.

19 (B) Diuretics.

20 (C) Antibiotics.

21 (D) High blood pressure medicines.

22 (E) Birth control pills.

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

26 Section 7. Warning sign required.

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

29 DANGER: ULTRAVIOLET RADIATION

30 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.

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

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

Section 8. General requirements.

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

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

(2) Before each use of a tanning device, provide each customer with properly sanitized protective eyewear that

1 protects the eyes from ultraviolet radiation and allows
2 adequate vision to maintain balance; and not allow a person
3 to use a tanning device if that person does not use the
4 protective eyewear.

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

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

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

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

15 (b) Persons using tanning facilities.--

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

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

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

1 and understood the warnings given by the tanning facility,
2 consents to the minor's use of a tanning device and agrees
3 that the minor will use the protective eyewear that the
4 tanning facility provides.

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

8 (5) Before any person uses a tanning device in a tanning
9 facility, he shall complete a form prescribed by the
10 department, listing all prescriptions and over-the-counter
11 medications currently being taken. The facility shall advise
12 the customer in writing of those medications which are
13 photosensitive, in accordance with a listing provided by the
14 department, prior to permitting the use of a tanning device.

15 Section 9. Certain claims prohibited.

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

19 Section 10. Injured patrons.

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

23 (1) Report any injury to the department.

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

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

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

1 Section 11. Exclusion.

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

5 Section 12. Powers and duties of department.

6 (a) Regulations.--The department shall promulgate
7 regulations providing for:

8 (1) Adequate training of tanning device operators.

9 (2) Proper sanitation of tanning equipment to prevent
10 skin disease transmissions.

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

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

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

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

1 Section 13. Penalty.

2 A violation of this act constitutes a misdemeanor of the
3 third degree. Each day a violation continues constitutes a
4 separate offense.

5 Section 14. Repeal.

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

9 Section 15. Effective date.

10 This act shall take effect as follows:

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

13 (2) This section shall take effect immediately.

14 (3) The remainder of this act shall take effect in 180
15 days.