

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 1259

**PRINTER'S NO.** 3199

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 8, 2013

**PRIME SPONSOR**

Representative Farry

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1259 Creates the Indoor Tanning Regulation Act to provide safety standards and oversight of tanning facilities.

**Certificate of Registration:**

The Department of Health (DOH) is charged with inspecting all tanning facilities to ensure compliance with this act and with issuing certificates of registration to each tanning facility meeting the prescribed standards. No tanning facility may operate unless a certificate of registration has been issued by the DOH.

A legal entity may apply to the DOH for a certificate of registration on a form which must include:

- The name, address and telephone number of the tanning facility and the legal entity;
- A signed and dated certification that the legal entity understands the requirements of this act; and
- A copy of the tanning facility's operating and safety procedures.

The registration fees shall be paid on an annual basis and in the following amounts, subject to increases by the DOH to ensure implementation:

- \$150 if operating two beds or less,
- \$300 if operating more than two beds and \$20 per additional bed over ten.

The certificate of registration shall be posted in each tanning facility where it is clearly visible to customers. Applications for renewal shall be submitted to the DOH prior to the expiration of the current certificate and are not transferrable from one legal entity or one tanning facility to another.

**Tanning Facility Compliance:**

Each tanning facility shall be required to have a readily visible 11 X 17 warning sign with the risks and safety instructions for use of a tanning bed or booth. Each customer shall also be provided with a written warning statement prior to initial exposure describing specified risks. This written warning statement shall require the signature of the customer.

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Only federally approved tanning devices may be used in a tanning facility. They must also meet national, state and local electrical codes, have physical barriers to protect customers from injury and be maintained in good repair. Protective eyewear must be made available at the tanning facility free of charge and worn by the customer. Eyewear shall meet federal requirements and be sanitized after each use.

Operators shall be trained to recognize the skin type of the customer based on the Fitzpatrick scale and advise the customer regarding time of exposure. The Fitzpatrick scale classifies skin types according to the length of exposure before burning. A customer's sessions shall be limited according to the manufacturer's suggestions. A record shall be kept of each customer's total number of tanning visits, date, time and duration for a minimum of three years.

A trained operator shall be present in each tanning facility during all operating hours when the tanning devices are in use to advise the customer. No customer may use a tanning device in the absence of an operator.

## **Prohibition:**

No one 16 years of age or younger shall use a tanning facility. A 17 year old must receive written parental consent.

## **Restricted Fund:**

A restricted account is established in the General Fund called the Indoor Tanning Regulation Fund. All fees and fines imposed in accordance with this act shall be deposited in the fund and appropriated to the DOH to implement this act.

The section pertaining to inspections takes effect in 730 days. The remainder of the act takes effect in 60 days.

## **FISCAL IMPACT:**

The department estimates personnel and operating costs for FY 2014-15 at approximately \$1.900 million. Assuming there are approximately 2,000 tanning facilities within the Commonwealth that would require the \$300 annual registration, these costs would be offset by approximately \$600,000. Therefore, the net cost is estimated at \$1.300 million. It should be noted that \$1.200 million of their estimate is for personnel costs of which the majority is for inspectors. With the effective date for inspections being 730 days, this cost should not affect their budget for two fiscal years.

Also, the legislation does provide that the department may increase the registration fees by regulation to ensure implementation of the act.