
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1992 Session of
2009

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SEPTEMBER 21, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, SEPTEMBER
21, 2009

AN ACT

1 Providing for the regulation of tanning facilities and for
2 powers and duties of the Department of Health; and
3 prescribing penalties.

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

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Tanning
10 Facility Regulation Act.

11 Section 102. Purpose.

12 The purpose of this act is to provide for the regulation of
13 tanning facilities throughout this Commonwealth to better
14 provide for the health and welfare of the residents of this
15 Commonwealth.

16 Section 103. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Customer." A member of the public who is provided access to
4 a tanning facility in exchange for a fee or other compensation
5 or any individual who, in exchange for a fee or other
6 compensation, is afforded use of a tanning facility as a
7 condition or benefit of membership or access.

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

9 "Minor." An individual younger than 18 years of age.

10 "Operator." An individual designated by the licensee to
11 control operation of the tanning facility and to instruct and
12 assist the customer in the proper operation of the tanning
13 equipment.

14 "Person." An individual, partnership, corporation or
15 association.

16 "Tanning equipment." Equipment that emits radiation used for
17 tanning of the skin, such as a sunlamp, tanning booth or tanning
18 bed that emits electromagnetic radiation with wavelengths in the
19 air between 200 and 400 nanometers. The term includes any
20 accompanying equipment, including, but not limited to, timers,
21 ballasts, starters, lamps, reflectors, cooling fans, acrylics,
22 comfort pillows and handrails.

23 "Tanning facility." A location, place, area, structure or
24 business which provides customers access to any tanning
25 equipment.

26 CHAPTER 3

27 REGULATION

28 Section 301. Restrictions on use by minors.

29 (a) Consent.--A tanning facility shall not permit a minor
30 between 14 and 18 years of age to use any tanning equipment

1 unless the minor provides a consent form signed by the minor's
2 parent or legal guardian at the time of first exposure and the
3 signature of the consent form is witnessed by an operator. The
4 department shall promulgate consistent with subsection (b)
5 appropriate model language for the consent form to be used by
6 tanning facilities.

7 (b) Form.--The consent form shall include the following
8 warnings:

9 (1) Failure to use eye protection may result in damage
10 to the eyes.

11 (2) Overexposure to ultraviolet light causes burns.

12 (3) Repeated exposure may result in premature aging of
13 the skin and skin cancer.

14 (4) Abnormal skin sensitivity or burning may be caused
15 by reactions of ultraviolet light to certain:

16 (i) Foods.

17 (ii) Cosmetics.

18 (iii) Medications, including:

19 (A) Tranquilizers.

20 (B) Diuretics.

21 (C) Antibiotics.

22 (D) High blood pressure medicines.

23 (E) Birth control pills.

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

27 (6) A person with skin that always burns easily and
28 never tans should avoid tanning equipment.

29 (7) A person with a family or past medical history of
30 skin cancer should avoid tanning equipment.

1 (c) Medical necessity.--A minor under 14 years of age may
2 not use tanning equipment unless deemed medically necessary as
3 evidenced by a prescription from a health care professional
4 authorized and licensed by law to prescribe drugs.

5 (d) Withdrawal of consent.--The minor's parent or legal
6 guardian may withdraw the consent form at any time. Unless so
7 withdrawn, the consent form shall expire one year from
8 signature. A new consent form as prescribed by this section
9 shall be provided by the minor at the expiration of one year
10 following the signing of the consent form for the minor to use a
11 tanning facility.

12 Section 302. Warning signs and statements.

13 (a) Warning signs and statements describing hazards.--A
14 tanning facility shall post a warning sign in a conspicuous
15 location that is readily visible without any obstruction to
16 persons about to use the tanning equipment. The sign shall have
17 dimensions not less than 11 inches by 17 inches. Lettering must
18 be clear, legible and at least 0.25 inches high. The sign shall
19 display the following:

20 (1) "Danger--ultraviolet radiation is carcinogenic to
21 humans," in letters at least 0.5 inches high.

22 (2) "Follow the manufacturer's instructions for use of
23 this equipment."

24 (3) "Avoid overexposure. As with natural sunlight,
25 overexposure can cause eye and skin injury and allergic
26 reactions. Repeated exposure to ultraviolet radiation may
27 cause chronic sun damage characterized by wrinkling, dryness,
28 fragility, bruising of the skin and skin cancer."

29 (4) "Do not sunbathe before or after exposure to
30 ultraviolet radiation from sunlamps."

1 (5) "Wear protective eyewear. Failure to use protective
2 eyewear may result in severe burns or permanent injury to the
3 eyes."

4 (6) "Medications or cosmetics may increase your
5 sensitivity to the ultraviolet radiation. Consult a physician
6 before using a sunlamp if you are using medications, have a
7 history of skin problems or believe you are especially
8 sensitive to sunlight. Women who are pregnant or are taking
9 oral contraceptives who use this product may develop
10 discolored skin."

11 (7) "You may call the Department of Health at (insert
12 telephone number) to report an alleged injury regarding this
13 tanning facility."

14 (8) "If you do not tan in the sun, you are unlikely to
15 tan from use of an ultraviolet lamp or sunlamp."

16 Section 303. Liability.

17 The consent form provided under section 301 shall not affect
18 the liability of the owner, manager or operators of a tanning
19 facility in the event that a customer incurs damages.

20 Section 304. Duty.

21 It shall be the duty of the tanning facility owner to ensure
22 that each customer utilizing the tanning facility is of legal
23 age to do so. The tanning facility licensee shall be held
24 responsible for the use of the tanning facility by anyone
25 younger than 18 years of age who does not submit a consent form
26 as prescribed in section 301.

27 Section 305. Records.

28 Records of consent forms and reports of injuries shall be
29 maintained for all minor customers of the tanning facility for a
30 period of at least three years from the date of signature.

1 Records shall be maintained on the premises and made available
2 for review by the department upon request.

3 CHAPTER 5

4 ADMINISTRATION AND ENFORCEMENT

5 Section 501. Penalties.

6 A licensee shall be assessed the following fines by the
7 department for a violation of this act:

8 (1) For a first violation, \$250.

9 (2) For a second violation, \$500.

10 (3) For a third or subsequent violation, \$1,000.

11 Section 502. Regulations.

12 The department shall promulgate any necessary rules and
13 regulations to implement this act.

14 CHAPTER 21

15 MISCELLANEOUS PROVISIONS

16 Section 2101. Effective date.

17 This act shall take effect in 60 days.