

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2270 Session of 2012

INTRODUCED BY WATSON, HENNESSEY, BAKER, GINGRICH, MUNDY, CURRY, CALTAGIRONE, CLYMER, COHEN, CONKLIN, D. COSTA, CREIGHTON, ELLIS, J. EVANS, EVERETT, FLECK, GEIST, GODSHALL, GOODMAN, GRELL, GROVE, HARHART, HARPER, HELM, HESS, HORNAMAN, KAUFFMAN, M. K. KELLER, KOTIK, KULA, MAJOR, MICOZZIE, MILLER, MILNE, MOUL, MURT, MUSTIO, O'NEILL, PICKETT, PRESTON, QUINN, READSHAW, ROSS, SCAVELLO, STERN, TALLMAN, TAYLOR, TOOHL, VEREB, VULAKOVICH, YOUNGBLOOD, DEASY, MARSICO, PASHINSKI, BOBACK, RAPP, SAMUELSON AND MIRABITO, MARCH 19, 2012

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 17, 2012

AN ACT

1 Establishing the Alzheimer's Disease State Planning Committee
2 within the Department of Aging HEALTH; and providing for its
3 powers and duties; PROVIDING FOR THE REGULATION OF INDOOR
4 TANNING FACILITIES; ESTABLISHING THE INDOOR TANNING
5 REGULATION FUND; AND PROVIDING FOR PENALTIES.



6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

CHAPTER 1



PRELIMINARY PROVISIONS

10 Section 101. Short title.



11 This act shall be known and may be cited as the Pennsylvania
12 Alzheimer's Disease State Plan AND INDOOR TANNING REGULATION
13 Act.



14 SECTION 102. DEFINITIONS.



15 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 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

4 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH.

5 CHAPTER 3

6 PENNSYLVANIA ALZHEIMER'S DISEASE STATE PLAN

7 Section ~~2~~ 301. Legislative findings. ←

8 The General Assembly finds that:

9 (1) Currently, Alzheimer's disease affects one in 12  
10 Pennsylvania families.

11 (2) To date, 31 states have either published or are in  
12 the process of writing an Alzheimer's disease plan.

13 (3) The Commonwealth needs to establish a planning  
14 committee within the ~~Department of Aging~~ DEPARTMENT to ←  
15 develop a State Alzheimer's Plan that will serve as a  
16 comprehensive blueprint for how the Commonwealth will address  
17 the growing Alzheimer's crisis.

18 (4) The planning process will charge State agencies,  
19 legislators, residential and community care providers,  
20 professional and family caregivers and persons with  
21 Alzheimer's disease and related disorders to work together to  
22 create a plan that addresses the Alzheimer's epidemic with a  
23 thoughtful, integrated and cost-effective approach.

24 Section ~~3~~ 302. Definitions. ←

25 The following words and phrases when used in this ~~act~~ CHAPTER ←  
26 shall have the meanings given to them in this section unless the  
27 context clearly indicates otherwise:

28 "Committee." The Alzheimer's Disease State Planning  
29 Committee established by this ~~act~~ CHAPTER. ←

30 ~~"Department." The Department of Aging of the Commonwealth.~~ ←

1 ~~"Secretary." The Secretary of Aging of the Commonwealth.~~

2 "State plan." The Pennsylvania Alzheimer's Disease State  
3 Plan.

4 Section 4 303. Pennsylvania Alzheimer's Disease State Planning ←  
5 Committee.

6 (a) Establishment.--The Pennsylvania Alzheimer's Disease  
7 State Planning Committee is established in the department.

8 (b) Membership.--The committee shall consist of the  
9 following members:

10 (1) The chairman and minority chairman of the Aging and  
11 Youth Committee and the Public Health and Welfare Committee  
12 of the Senate and the chairman and minority chairman of the  
13 Aging and Older Adults Services Committee and the Health  
14 Committee of the House of Representatives.

15 (2) One person with Alzheimer's disease.

16 (3) One caregiver of a person with Alzheimer's disease.

17 (4) A representative of the nursing home industry.

18 (5) A representative of the assisted living industry.

19 (6) A representative of the personal care home industry.

20 (7) A representative of the adult day-care services  
21 industry.

22 (8) A representative of the medical care provider  
23 community.

24 (9) An Alzheimer's disease researcher.

25 (10) A representative of a Statewide Alzheimer's  
26 association.

27 (11) The secretary or a designee.

28 (12) A representative from the ~~Department of Health~~ ←  
29 DEPARTMENT. ←

30 (13) A representative from the Department of Public

1 Welfare.

2 (14) A representative of the local area agencies on  
3 aging.

4 (15) A representative of the home care industry.

5 (16) A representative of the hospice industry.

6 (c) Appointments.--Except for members identified under  
7 subsection (b) (1), members of the committee shall be appointed  
8 by the Governor.

9 (d) Chair and administrative support.--The secretary shall  
10 chair the committee and provide necessary administrative support  
11 to the activities of the committee.

12 (e) Compensation.--Planning committee members shall receive  
13 no compensation for their services.

14 Section 5 304. Powers and duties of committee. ←

15 (a) General rule.--The committee shall meet on a regular  
16 basis and shall have the following powers and duties:

17 (1) To assess the current and future impact of  
18 Alzheimer's disease on residents of this Commonwealth.

19 (2) To examine the existing industries, services and  
20 resources addressing the needs of persons with Alzheimer's  
21 disease, their families and caregivers.

22 (3) To develop a strategy to mobilize a State response  
23 to this public health crisis.

24 (4) To include an examination of the following in its  
25 assessment and recommendations:

26 (i) Trends in State Alzheimer's population and  
27 needs, including the changing population with dementia  
28 including, but not limited to:

29 (A) The Commonwealth's role in long-term care,  
30 family caregiver support and assistance to persons

1 with early-stage and younger onset of Alzheimer's  
2 disease.

3 (B) The Commonwealth's policy regarding persons  
4 with Alzheimer's disease and related disorders.

5 (C) The surveillance of persons with Alzheimer's  
6 disease for purposes of having proper estimates of  
7 the number of persons in this Commonwealth with  
8 Alzheimer's disease.

9 (ii) Existing services, resources and capacity  
10 including, but not limited to:

11 (A) Type, cost and availability of Alzheimer's  
12 and related disorders services.

13 (B) Dementia-specific training requirements for  
14 long-term care staff.

15 (C) Quality care measures for long-term care  
16 facilities.

17 (D) Capacity of public safety and law  
18 enforcement to respond to persons with Alzheimer's  
19 disease.

20 (E) Availability of home and community-based  
21 resources for persons with Alzheimer's disease and  
22 respite care to assist families.

23 (F) Inventory of long-term care dementia care  
24 units.

25 (G) Adequacy and appropriateness of geriatric-  
26 psychiatric units for persons with behavior disorders  
27 associated with Alzheimer's disease and related  
28 disorders.

29 (H) Assisted living residential options for  
30 persons with dementia.

1 (I) State support of Alzheimer's disease  
2 research through Pennsylvania colleges and  
3 universities and other resources.

4 (iii) Any needed State policies or responses  
5 including, but not limited to, directions for the  
6 provision of clear and coordinated services and supports  
7 to persons and families living with Alzheimer's disease  
8 and related disorders and strategies to address any  
9 identified gaps in services.

10 (5) TO WORK IN CONJUNCTION WITH THE DEPARTMENT OF AGING ←  
11 AS NECESSARY TO IMPLEMENT THIS CHAPTER.

12 (b) Public meeting.--The committee shall hold public  
13 meetings and utilize technological means, such as web casts, to  
14 gather feedback on the recommendations from persons and families  
15 affected by Alzheimer's disease and the general public.

16 (c) Report.--The committee shall submit a report on its  
17 findings and date-specific recommendations to the Governor and  
18 the General Assembly in the form of a Pennsylvania Alzheimer's  
19 Disease State Plan no later than one year after the effective  
20 date of this section.

21 Section ~~6~~ 305. Expiration. ←

22 This ~~act~~ CHAPTER shall expire on the date that the report ←  
23 required by section ~~5(e)~~ 304(C) is submitted. ←

24 ~~Section 7. Effective date.~~ ←

25 ~~This act shall take effect immediately.~~

26 CHAPTER 5 ←

27 INDOOR TANNING REGULATION

28 SECTION 501. SCOPE OF CHAPTER.

29 THIS CHAPTER RELATES TO INDOOR TANNING REGULATION.

30 SECTION 502. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "CUSTOMER." A MEMBER OF THE PUBLIC WHO IS PROVIDED ACCESS TO  
5 A TANNING FACILITY IN EXCHANGE FOR A FEE OR OTHER COMPENSATION  
6 OR ANY INDIVIDUAL WHO, IN EXCHANGE FOR A FEE OR OTHER  
7 COMPENSATION, IS AFFORDED USE OF A TANNING FACILITY AS A  
8 CONDITION OR BENEFIT OF MEMBERSHIP OR ACCESS.

9 "FITZPATRICK SCALE." A SCALE FOR CLASSIFYING A SKIN TYPE,  
10 BASED ON THE SKIN'S REACTION TO THE FIRST TEN TO 45 MINUTES OF  
11 SUN EXPOSURE AFTER THE WINTER SEASON AS FOLLOWS:

12 SKIN TYPE	SUNBURNING AND TANNING HISTORY
13 1	ALWAYS BURNS EASILY, NEVER TANS
14 2	ALWAYS BURNS EASILY, TANS MINIMALLY
15 3	BURNS MODERATELY, TANS GRADUALLY
16 4	BURNS MINIMALLY, ALWAYS TANS WELL
17 5	RARELY BURNS, TANS PROFUSELY
18 6	NEVER BURNS, DEEPLY PIGMENTED

19 "LEGAL ENTITY." AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
20 PROPRIETORSHIP OR ASSOCIATION.

21 "OPERATOR." AN INDIVIDUAL DESIGNATED BY A LEGAL ENTITY TO  
22 CONTROL OPERATION OF THE TANNING FACILITY AND TO INSTRUCT AND  
23 ASSIST THE CUSTOMER IN THE PROPER OPERATION OF THE TANNING  
24 EQUIPMENT.

25 "PHOTOTHERAPY DEVICE." EQUIPMENT THAT EMITS ULTRAVIOLET  
26 RADIATION AND IS USED BY HEALTH CARE PROFESSIONALS IN THE  
27 TREATMENT OF DISEASE. THE TERM SHALL NOT INCLUDE ANY OF THE  
28 FOLLOWING:

29 (1) DEVICES UTILIZED BY APPROPRIATE HEALTH CARE  
30 PROFESSIONALS UNDER THE DIRECT SUPERVISION OF A PHYSICIAN WHO

1 IS TRAINED IN THE USE OF PHOTOTHERAPY DEVICES.

2 (2) DEVICES USED FOR PERSONAL USE IN A PRIVATE  
3 RESIDENCE.

4 (3) DEVICES INTENDED FOR PURPOSES OTHER THAN THE  
5 IRRADIATION OF HUMAN SKIN.

6 "TANNING EQUIPMENT OR DEVICE." EQUIPMENT THAT EMITS  
7 RADIATION USED FOR TANNING OF THE SKIN, SUCH AS A SUNLAMP,  
8 TANNING BOOTH OR TANNING BED THAT EMITS ELECTROMAGNETIC  
9 RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200 AND 400  
10 NANOMETERS. THE TERM INCLUDES ANY ACCOMPANYING EQUIPMENT, SUCH  
11 AS PROTECTIVE EYEWEAR, TIMERS AND HANDRAILS.

12 "TANNING FACILITY." ANY PLACE WHERE A TANNING DEVICE IS USED  
13 FOR A FEE, MEMBERSHIP DUES OR ANY OTHER COMPENSATION.

14 "ULTRAVIOLET RADIATION." ELECTROMAGNETIC RADIATION WITH  
15 WAVELENGTHS BETWEEN 200 AND 400 NANOMETERS.

16 SECTION 503. CERTIFICATE OF REGISTRATION AND FEES.

17 (A) REQUIREMENT.--NO LEGAL ENTITY SHALL ESTABLISH, MAINTAIN,  
18 OPERATE OR HOLD ITSELF OUT AS AUTHORIZED TO ESTABLISH, MAINTAIN  
19 OR OPERATE A TANNING FACILITY WITHOUT FIRST HAVING OBTAINED A  
20 CERTIFICATE OF REGISTRATION ISSUED BY THE DEPARTMENT.

21 (B) APPLICATION.--A LEGAL ENTITY MAY APPLY FOR A CERTIFICATE  
22 OF REGISTRATION REQUIRED UNDER SUBSECTION (A) BY SUBMITTING AN  
23 APPLICATION TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE  
24 DEPARTMENT. THE FORM SHALL REQUIRE ALL OF THE FOLLOWING  
25 INFORMATION:

26 (1) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE  
27 TANNING FACILITY AND OWNER.

28 (2) THE MANUFACTURER, MODEL NUMBER AND TYPE OF EACH  
29 ULTRAVIOLET LAMP OR TANNING DEVICE USED IN THE TANNING  
30 FACILITY.



1 (3) THE NAME AND CONTACT INFORMATION OF THE EQUIPMENT  
2 SUPPLIER, INSTALLER AND SERVICE AGENT OF EACH ULTRAVIOLET  
3 LAMP OR TANNING DEVICE USED IN THE TANNING FACILITY.

4 (4) A SIGNED AND DATED CERTIFICATION THAT THE APPLICANT  
5 HAS READ AND UNDERSTANDS THE REQUIREMENTS OF THIS CHAPTER.

6 (5) A COPY OF THE OPERATING AND SAFETY PROCEDURES OF THE  
7 TANNING FACILITY.

8 (6) ANY ADDITIONAL INFORMATION REQUIRED BY THE  
9 DEPARTMENT.

10 (C) DETERMINATION.--THE DEPARTMENT SHALL ISSUE A CERTIFICATE  
11 OF REGISTRATION TO AN APPLICANT UPON DETERMINATION THAT THE  
12 APPLICANT MEETS ALL OF THE REQUIREMENTS OF THIS CHAPTER.

13 (D) FEE.--AN APPLICANT SHALL BE REQUIRED TO PAY A  
14 REGISTRATION FEE OF \$300 PER SALON, INCLUDING TEN DEVICES, AND  
15 \$20 PER ADDITIONAL BED FOR EACH YEAR THAT THE FACILITY APPLIES  
16 FOR A CERTIFICATE OF REGISTRATION. THE DEPARTMENT MAY INCREASE  
17 REGISTRATION FEES BY REGULATION TO ENSURE IMPLEMENTATION OF THIS  
18 CHAPTER.

19 (E) POSTING.--A LEGAL ENTITY SHALL POST ITS CERTIFICATE OF  
20 REGISTRATION IN A LOCATION CLEARLY VISIBLE TO ITS CUSTOMERS.

21 (F) DISCLAIMER.--THE DEPARTMENT SHALL PROMULGATE LANGUAGE TO  
22 BE CLEARLY PLACED ON THE CERTIFICATE OF REGISTRATION EXPLAINING  
23 THAT SUCH FACILITY HAS NOT HAD AN INITIAL INSPECTION BY THE  
24 DEPARTMENT.

25 (G) TERM.--A CERTIFICATE OF REGISTRATION SHALL BE ISSUED FOR  
26 A PERIOD OF TIME NOT TO EXCEED 12 MONTHS FOLLOWING THE DATE OF  
27 ISSUANCE AND SHALL BE RENEWABLE FOR ONE ADDITIONAL YEAR, SUBJECT  
28 TO EXTENSION AS PROVIDED IN SECTION 503.1.

29 (H) RENEWAL.--A LEGAL ENTITY SHALL SUBMIT AN APPLICATION FOR  
30 RENEWAL OF A CERTIFICATE OF REGISTRATION ON A FORM PRESCRIBED BY

1 THE DEPARTMENT PRIOR TO EXPIRATION OF ITS CURRENT CERTIFICATE OF  
2 REGISTRATION.

3 (I) NONTRANSFERABILITY.--A CERTIFICATE OF REGISTRATION SHALL  
4 NOT BE TRANSFERABLE FROM ONE LEGAL ENTITY OR ONE TANNING  
5 FACILITY TO ANOTHER.

6 (J) DENIAL, SUSPENSION OR REVOCATION.--THE FOLLOWING SHALL  
7 APPLY TO THE DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE  
8 OF REGISTRATION:

9 (1) THE DEPARTMENT MAY DENY, SUSPEND OR REVOKE A  
10 CERTIFICATE OF REGISTRATION FOR ANY OF THE FOLLOWING REASONS:

11 (I) SUBMISSION OF FALSE STATEMENTS IN APPLICATION,  
12 REPORTS, PLANS OR SPECIFICATIONS.

13 (II) FOR CONDITIONS WHICH VIOLATE THIS CHAPTER.

14 (III) OPERATION OF THE TANNING FACILITY IN A MANNER  
15 THAT THREATENS PUBLIC HEALTH OR SAFETY.

16 (IV) FAILURE TO ALLOW THE DEPARTMENT TO ENTER THE  
17 TANNING FACILITY AT REASONABLE HOURS FOR INSPECTION OR  
18 INVESTIGATION.

19 (V) FAILURE TO PAY REGISTRATION FEES.

20 (2) EXCEPT IN CASES INVOLVING AN IMMEDIATE THREAT TO  
21 PUBLIC HEALTH AND SAFETY UNDER SECTION 511(B), THE DEPARTMENT  
22 SHALL, PRIOR TO SUSPENSION OR REVOCATION OF A CERTIFICATE OF  
23 REGISTRATION, PROVIDE WRITTEN NOTICE TO THE LEGAL ENTITY TO  
24 WHOM THE CERTIFICATE OF REGISTRATION HAS BEEN ISSUED OF THE  
25 FACTS OR CONDUCT WHICH MAY WARRANT SUSPENSION OR REVOCATION  
26 AND SHALL PROVIDE THE LEGAL ENTITY WITH AN OPPORTUNITY TO  
27 DEMONSTRATE OR ACHIEVE COMPLIANCE. THE LEGAL ENTITY MAY  
28 REQUEST AN ADMINISTRATIVE HEARING UPON RECEIPT OF THE WRITTEN  
29 NOTICE.

30 (K) EXPIRATION.--

1 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), THIS  
2 SECTION SHALL EXPIRE TWO YEARS FROM ITS EFFECTIVE DATE.

3 (2) PARAGRAPH (1) SHALL NOT APPLY TO THE DUTY TO POST  
4 UNDER SUBSECTION (E), THE TERM PROVISIONS OF SUBSECTION (G),  
5 THE NONTRANSFERABILITY PROVISIONS OF SUBSECTION (I) OR THE  
6 POWERS OF THE DEPARTMENT UNDER SUBSECTION (J) AND THIS  
7 SUBSECTION.

8 (3) A CERTIFICATE OF REGISTRATION ISSUED BY THE  
9 DEPARTMENT THAT IS NOT EXTENDED IN ACCORDANCE WITH THE  
10 PROVISIONS OF SECTION 503.1 SHALL AUTOMATICALLY EXPIRE TWO  
11 YEARS FROM THE EFFECTIVE DATE OF THIS SECTION.

12 SECTION 503.1. EXTENSION OF CERTIFICATES OF REGISTRATION.

13 IF A LEGAL ENTITY THAT HOLDS A VALID CERTIFICATE OF  
14 REGISTRATION ISSUED BY THE DEPARTMENT HAS APPLIED FOR A LICENSE  
15 FROM THE DEPARTMENT PRIOR TO THE EXPIRATION DATE OF SECTION  
16 503(A) AND THE DEPARTMENT HAS NOT INSPECTED THE TANNING FACILITY  
17 FOR PURPOSES OF REVIEWING THE APPLICATION FOR THE LICENSE BY THE  
18 EXPIRATION DATE, THEN THE TERM OF THE CERTIFICATE OF  
19 REGISTRATION SHALL BE EXTENDED UNTIL:

20 (1) THE DEPARTMENT APPROVES OR DENIES THE APPLICATION  
21 FOR LICENSE; OR

22 (2) THE DEPARTMENT REVOKES OR SUSPENDS THE CERTIFICATE  
23 OF REGISTRATION IN ACCORDANCE WITH SECTION 503(J).

24 SECTION 504. LICENSING AND FEES.

25 (A) REQUIREMENT.--NO LEGAL ENTITY SHALL ESTABLISH, MAINTAIN,  
26 OPERATE OR HOLD ITSELF OUT AS AUTHORIZED TO ESTABLISH, MAINTAIN  
27 OR OPERATE A TANNING FACILITY UNLESS THE LEGAL ENTITY HAS:

28 (1) OBTAINED A LICENSE ISSUED BY THE DEPARTMENT; OR

29 (2) BEEN ISSUED A CERTIFICATE OF REGISTRATION THAT IS  
30 EXTENDED UNDER THE PROVISIONS OF SECTION 503.1.

1 (B) APPLICATION.--A LEGAL ENTITY MAY APPLY FOR A LICENSE  
2 REQUIRED UNDER SUBSECTION (A) BY SUBMITTING AN APPLICATION TO  
3 THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT. THE FORM  
4 SHALL REQUIRE ALL OF THE FOLLOWING INFORMATION:

5 (1) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE  
6 TANNING FACILITY AND OWNER.

7 (2) THE MANUFACTURER, MODEL NUMBER AND TYPE OF EACH  
8 ULTRAVIOLET LAMP OR TANNING DEVICE USED IN THE TANNING  
9 FACILITY.

10 (3) THE NAME AND CONTACT INFORMATION OF THE EQUIPMENT  
11 SUPPLIER, INSTALLER AND SERVICE AGENT OF EACH ULTRAVIOLET  
12 LAMP OR TANNING DEVICE USED IN THE TANNING FACILITY.

13 (4) A SIGNED AND DATED CERTIFICATION THAT THE APPLICANT  
14 HAS READ AND UNDERSTANDS THE REQUIREMENTS OF THIS CHAPTER.

15 (5) A COPY OF THE OPERATING AND SAFETY PROCEDURES OF THE  
16 TANNING FACILITY.

17 (6) ANY ADDITIONAL INFORMATION REQUIRED BY THE  
18 DEPARTMENT.

19 (C) DETERMINATION.--THE DEPARTMENT SHALL ISSUE A LICENSE TO  
20 AN APPLICANT UPON DETERMINATION THAT THE APPLICANT MEETS ALL OF  
21 THE REQUIREMENTS OF THIS CHAPTER.

22 (D) FEE.--AN APPLICANT SHALL BE REQUIRED TO PAY A LICENSE  
23 FEE IN SUCH AMOUNT AS DETERMINED BY REGULATION OF THE  
24 DEPARTMENT. THE DEPARTMENT SHALL NOT ESTABLISH THE FEE IN EXCESS  
25 OF THE AMOUNT NECESSARY TO CONDUCT INSPECTIONS AND TO ENFORCE  
26 THE PROVISIONS OF THIS CHAPTER.

27 (E) POSTING.--A LICENSEE SHALL POST ITS LICENSE IN A  
28 LOCATION CLEARLY VISIBLE TO ITS CUSTOMERS.

29 (F) EXPIRATION.--A LICENSE SHALL EXPIRE ANNUALLY ON THE DATE  
30 SPECIFIED ON THE LICENSE.

1 (G) RENEWAL.--A LICENSEE MUST FILE AN APPLICATION FOR  
2 RENEWAL ON A FORM PRESCRIBED BY THE DEPARTMENT PRIOR TO  
3 EXPIRATION OF ITS CURRENT LICENSE.

4 (H) NONTRANSFERABILITY.--A LICENSE SHALL NOT BE TRANSFERABLE  
5 FROM ONE LEGAL ENTITY OR ONE TANNING FACILITY TO ANOTHER.

6 (I) DENIAL, SUSPENSION OR REVOCATION.--THE FOLLOWING SHALL  
7 APPLY TO THE DENIAL, SUSPENSION OR REVOCATION OF A LICENSE:

8 (1) THE DEPARTMENT MAY DENY, SUSPEND OR REVOKE LICENSURE  
9 FOR ANY OF THE FOLLOWING REASONS:

10 (I) SUBMISSION OF FALSE STATEMENTS IN APPLICATION,  
11 REPORTS, PLANS OR SPECIFICATIONS.

12 (II) FOR CONDITIONS WHICH VIOLATE THIS CHAPTER.

13 (III) OPERATION OF THE TANNING FACILITY IN A MANNER  
14 THAT THREATENS PUBLIC HEALTH OR SAFETY.

15 (IV) FAILURE TO ALLOW THE DEPARTMENT TO ENTER THE  
16 TANNING FACILITY AT REASONABLE HOURS FOR INSPECTION OR  
17 INVESTIGATION.

18 (V) FAILURE TO PAY LICENSE FEES.

19 (2) EXCEPT IN CASES INVOLVING AN IMMEDIATE THREAT TO  
20 PUBLIC HEALTH AND SAFETY UNDER SECTION 511(B), THE DEPARTMENT  
21 SHALL, PRIOR TO SUSPENSION OR REVOCATION OF A LICENSE,  
22 PROVIDE WRITTEN NOTICE TO THE LICENSEE OF THE FACTS OR  
23 CONDUCT WHICH MAY WARRANT SUSPENSION OR REVOCATION AND SHALL  
24 PROVIDE THE LICENSEE WITH AN OPPORTUNITY TO DEMONSTRATE OR  
25 ACHIEVE COMPLIANCE. THE LICENSEE MAY REQUEST AN  
26 ADMINISTRATIVE HEARING UPON RECEIPT OF THE WRITTEN NOTICE.  
27 SECTION 505. INSPECTION.

28 (A) ACCESS.--THE DEPARTMENT SHALL HAVE ACCESS AT REASONABLE  
29 TIMES TO ANY TANNING FACILITY, INCLUDING ITS RECORDS, TO INSPECT  
30 AND DETERMINE WHETHER THE TANNING FACILITY IS IN COMPLIANCE WITH

1 THIS CHAPTER.

2 (B) CERTIFICATE OF REGISTRATION.--A TANNING FACILITY THAT  
3 HOLDS A CERTIFICATE OF REGISTRATION IS SUBJECT TO INSPECTIONS AS  
4 FOLLOWS:

5 (1) FOR PURPOSES OF A RANDOM SAMPLE ON AN ANNOUNCED OR  
6 UNANNOUNCED BASIS.

7 (2) AT THE REQUEST OF AN OPERATOR ON AN ANNOUNCED OR  
8 UNANNOUNCED BASIS.

9 (3) IN RESPONSE TO A COMPLAINT ON AN UNANNOUNCED BASIS.

10 (C) LICENSURE.--A TANNING FACILITY THAT APPLIES FOR A  
11 LICENSE OR HOLDS A LICENSE IS SUBJECT TO INSPECTIONS AS FOLLOWS:

12 (1) AN INITIAL INSPECTION SHALL BE CONDUCTED BY THE  
13 DEPARTMENT AFTER RECEIPT OF THE APPLICATION.

14 (2) FOR PURPOSES OF A RANDOM SAMPLE ON AN ANNOUNCED OR  
15 UNANNOUNCED BASIS.

16 (3) IN RESPONSE TO A COMPLAINT ON AN UNANNOUNCED BASIS.

17 (D) SCOPE.--INSPECTIONS CONDUCTED BY THE DEPARTMENT UNDER  
18 THIS SECTION SHALL ENCOMPASS ALL OF THE FOLLOWING MATTERS:

19 (1) THE OPERATION OF THE TANNING FACILITY.

20 (2) REVIEW OF REQUIRED RECORDS AND TRAINING  
21 DOCUMENTATION.

22 (3) OPERATOR UNDERSTANDING AND COMPETENCY.

23 (4) ANY OTHER AREA CONCERNING A REQUIREMENT OF THIS  
24 CHAPTER.

25 SECTION 506. WARNING SIGNS AND STATEMENTS.

26 (A) WARNING SIGNS AND STATEMENTS DESCRIBING HAZARDS.--A  
27 TANNING FACILITY SHALL POST A WARNING SIGN IN A PLACE READILY  
28 VISIBLE TO PERSONS ENTERING THE ESTABLISHMENT. THE SIGN SHALL  
29 HAVE DIMENSIONS NOT LESS THAN 11 INCHES BY 17 INCHES. LETTERING  
30 MUST BE CLEAR, LEGIBLE AND AT LEAST 0.25 INCHES HIGH, WITH ALL

1 OF THE FOLLOWING PROVISIONS ON THE SIGN:

2 (1) THE WORDING, "DANGER--ULTRAVIOLET RADIATION," IN  
3 LETTERS AT LEAST 0.5 INCHES HIGH.

4 (2) FOLLOW THE MANUFACTURER'S INSTRUCTIONS FOR USE OF  
5 THIS DEVICE.

6 (3) AVOID OVEREXPOSURE. AS WITH NATURAL SUNLIGHT,  
7 OVEREXPOSURE CAN CAUSE EYE AND SKIN INJURY AND ALLERGIC  
8 REACTIONS. REPEATED EXPOSURE TO ULTRAVIOLET RADIATION MAY  
9 CAUSE CHRONIC SUN DAMAGE CHARACTERIZED BY WRINKLING, DRYNESS,  
10 FRAGILITY, BRUISING OF THE SKIN AND SKIN CANCER.

11 (4) DO NOT SUNBATHE BEFORE OR AFTER EXPOSURE TO  
12 ULTRAVIOLET RADIATION FROM SUNLAMPS.

13 (5) WEAR PROTECTIVE EYEWEAR. FAILURE TO USE PROTECTIVE  
14 EYEWEAR MAY RESULT IN SEVERE BURNS OR PERMANENT INJURY TO THE  
15 EYES.

16 (6) MEDICATIONS OR COSMETICS MAY INCREASE YOUR  
17 SENSITIVITY TO THE ULTRAVIOLET RADIATION. CONSULT A PHYSICIAN  
18 BEFORE USING A SUNLAMP IF YOU ARE USING MEDICATIONS, HAVE A  
19 HISTORY OF SKIN PROBLEMS OR BELIEVE YOU ARE ESPECIALLY  
20 SENSITIVE TO SUNLIGHT. WOMEN WHO ARE PREGNANT OR ARE TAKING  
21 ORAL CONTRACEPTIVES WHO USE THIS PRODUCT MAY DEVELOP  
22 DISCOLORED SKIN.

23 (7) CONTACT THE DEPARTMENT TO REPORT AN ALLEGED INJURY  
24 REGARDING THIS TANNING FACILITY.

25 (8) THE WORDING, "IF YOU DO NOT TAN IN THE SUN, YOU ARE  
26 UNLIKELY TO TAN FROM USE OF AN ULTRAVIOLET LAMP OR SUNLAMP."

27 (B) WRITTEN WARNING STATEMENT.--EACH CUSTOMER SHALL BE  
28 PROVIDED WITH A WRITTEN WARNING STATEMENT REQUIRING A SIGNATURE  
29 PRIOR TO INITIAL EXPOSURE. THE WARNING STATEMENT SHALL INCLUDE  
30 ALL OF THE FOLLOWING:

1 (1) FAILURE TO USE THE EYE PROTECTION PROVIDED TO THE  
2 CUSTOMER BY THE TANNING FACILITY MAY RESULT IN DAMAGE TO THE  
3 EYES.

4 (2) OVEREXPOSURE TO ULTRAVIOLET LIGHT CAUSES BURNS.

5 (3) REPEATED EXPOSURE MAY RESULT IN PREMATURE AGING OF  
6 THE SKIN AND SKIN CANCER.

7 (4) ABNORMAL SKIN SENSITIVITY OR BURNING MAY BE CAUSED  
8 BY REACTIONS OF ULTRAVIOLET LIGHT TO CERTAIN:

9 (I) FOODS;

10 (II) COSMETICS; OR

11 (III) MEDICATIONS, INCLUDING:

12 (A) TRANQUILIZERS;

13 (B) DIURETICS;

14 (C) ANTIBIOTICS;

15 (D) HIGH BLOOD PRESSURE MEDICINES; OR

16 (E) BIRTH CONTROL PILLS.

17 (5) ANY PERSON TAKING A PRESCRIPTION OR OVER-THE-COUNTER  
18 DRUG SHOULD CONSULT A PHYSICIAN BEFORE USING A TANNING  
19 DEVICE.

20 (6) A PERSON WITH SKIN THAT ALWAYS BURNS EASILY AND  
21 NEVER TANS SHOULD AVOID A TANNING DEVICE.

22 (7) A PERSON WITH A FAMILY OR PAST MEDICAL HISTORY OF  
23 SKIN CANCER SHOULD AVOID A TANNING DEVICE.

24 (C) LIABILITY.--THE WARNING STATEMENT PROVIDED UNDER  
25 SUBSECTION (B) SHALL NOT AFFECT THE LIABILITY OF THE OWNER,  
26 MANAGER OR OPERATOR OF A TANNING FACILITY IN THE EVENT THAT A  
27 CUSTOMER FAILS TO FOLLOW THE WARNING STATEMENT AND INCURS  
28 DAMAGES.

29 SECTION 507. TANNING DEVICES.

30 (A) FEDERAL CERTIFICATION.--ONLY TANNING DEVICES



1 MANUFACTURED AND CERTIFIED UNDER 21 CFR 1040.20 (RELATING TO  
2 SUNLAMP PRODUCTS AND ULTRAVIOLET LAMPS INTENDED FOR USE IN  
3 SUNLAMP PRODUCTS) MAY BE USED IN TANNING FACILITIES.

4 (B) CONDITION.--ALL TANNING DEVICES SHALL DO ALL OF THE  
5 FOLLOWING:

6 (1) MEET THE NATIONAL FIRE PROTECTION ASSOCIATION'S  
7 NATIONAL ELECTRICAL CODE AND ANY OTHER STATE OR LOCAL  
8 ELECTRICAL CODES.

9 (2) HAVE PHYSICAL BARRIERS TO PROTECT CUSTOMERS FROM  
10 INJURY DUE TO TOUCHING OR BREAKING LAMPS.

11 (3) BE MAINTAINED IN GOOD REPAIR.

12 (C) STAND-UP BOOTHS.--STAND-UP BOOTHS SHALL MEET ALL OF THE  
13 FOLLOWING CONDITIONS:

14 (1) HAVE PHYSICAL BARRIERS OR OTHER MEANS TO INDICATE  
15 PROPER EXPOSURE DISTANCE.

16 (2) BE CONSTRUCTED RIGIDLY ENOUGH TO WITHSTAND STRESS OF  
17 USE AND IMPACT OF A FALLING PERSON.

18 (3) ACCESS SHALL BE OF RIGID CONSTRUCTION, DOORS MUST  
19 OPEN OUTWARDLY AND HANDRAILS AND NONSLIP FLOORS MUST BE  
20 PROVIDED.

21 (D) PROTECTIVE EYEWEAR.--OPERATORS SHALL REQUIRE CUSTOMERS  
22 TO WEAR PROTECTIVE EYEWEAR IN ORDER TO USE A TANNING DEVICE.

23 WHEN A TANNING DEVICE IS IN USE, NO OTHER PERSON SHALL BE  
24 ALLOWED TO REMAIN IN THE AREA UNLESS THE PERSON WEARS PROTECTIVE  
25 EYEWEAR. PROTECTIVE EYEWEAR SHALL DO ALL OF THE FOLLOWING:

26 (1) BE PROVIDED FREE OF CHARGE, ALONG WITH INSTRUCTIONS  
27 FOR USE. CUSTOMERS MAY ALSO BE GIVEN THE OPTION TO PURCHASE  
28 THEIR OWN EYEWEAR.

29 (2) MEET THE REQUIREMENTS OF 21 CFR 1040.20.

30 (3) BE PROPERLY SANITIZED BEFORE EACH USE. ULTRAVIOLET

1 RAYS SHALL NOT BE CONSIDERED A SANITIZING AGENT.

2 SECTION 508. OPERATION.

3 (A) SKIN TYPE.--OPERATORS MUST BE ABLE TO RECOGNIZE THE SKIN  
4 TYPE OF THE CUSTOMER BASED ON THE FITZPATRICK SCALE AND ADVISE  
5 THE CUSTOMER ACCORDINGLY IN REGARD TO MAXIMUM TIME OF EXPOSURE.

6 (B) CUSTOMER RECORDS.--A RECORD SHALL BE KEPT OF EACH  
7 CUSTOMER'S TOTAL NUMBER OF TANNING VISITS, DATE, TIME AND  
8 DURATION OF EACH.

9 (C) RECORDS.--ALL RECORDS OR DOCUMENTATION REQUIRED BY THIS  
10 CHAPTER SHALL BE MAINTAINED IN THE TANNING FACILITY FOR A  
11 MINIMUM OF SEVEN YEARS. RECORDS ON COMPUTER MUST BE BACKED UP  
12 ON STORAGE MEDIA OTHER THAN THE HARD DRIVE AT LEAST MONTHLY AND  
13 MUST BE RETRIEVABLE AS A PRINTED COPY. RECORDS SHALL BE  
14 ACCESSIBLE BY THE DEPARTMENT DURING AN INSPECTION.

15 (D) DURATION AND FREQUENCY.--OPERATORS SHALL LIMIT SESSION  
16 DURATION AND FREQUENCY TO MAXIMUMS RECOMMENDED BY THE  
17 MANUFACTURER.

18 SECTION 509. RESTRICTIONS ON USE BY MINORS.

19 (A) ACCOMPANIMENT.--ALL MINORS SHALL BE ACCOMPANIED BY THEIR  
20 PARENT OR LEGAL GUARDIAN IN ORDER TO USE A TANNING DEVICE FOR  
21 THE FIRST TIME AT EACH FACILITY.

22 (B) IDENTIFICATION.--BEFORE THE FIRST USE BY A MINOR AND  
23 EVERY SIX MONTHS THEREAFTER, THE OWNER OR OPERATOR SHALL WITNESS  
24 THE PARENT'S OR LEGAL GUARDIAN'S SIGNING AND DATING OF THE  
25 WARNING STATEMENT REQUIRED UNDER SECTION 506(B). THE PARENT OR  
26 LEGAL GUARDIAN SHALL ALSO SIGN A STATEMENT STATING THE  
27 RELATIONSHIP WITH A CHILD WHO IS UNDER 14 YEARS OF AGE.

28 (C) MEDICAL PERMISSION.--PERSONS UNDER 14 YEARS OF AGE MAY  
29 NOT USE A TANNING DEVICE UNLESS THEY PRESENT WRITTEN PERMISSION  
30 BY A PROPERLY LICENSED DOCTOR OF MEDICINE OR DOCTOR OF

1 OSTEOPATHIC MEDICINE.

2 (D) RECORDS.--RECORDS OF PARENTAL CONSENT SHALL BE  
3 MAINTAINED FOR ALL MINOR CUSTOMERS OF THE TANNING FACILITY FOR A  
4 PERIOD OF AT LEAST THREE YEARS.

5 SECTION 510. TRAINING.

6 (A) OPERATOR.--A TANNING FACILITY SHALL HAVE AN OPERATOR  
7 PRESENT IN ACCORDANCE WITH SUBSECTION (B) WHO IS SUFFICIENTLY  
8 KNOWLEDGEABLE IN THE OPERATION OF THE TANNING DEVICES,  
9 INCLUDING:

10 (1) KNOWLEDGE OF THE REQUIREMENTS OF THIS SECTION AND OF  
11 21 CFR 1040.20 (RELATING TO SUNLAMP PRODUCTS AND ULTRAVIOLET  
12 LAMPS INTENDED FOR USE IN SUNLAMP PRODUCTS).

13 (2) PROPER USE OF THE UNITED STATES FOOD AND DRUG  
14 ADMINISTRATION'S RECOMMENDED EXPOSURE SCHEDULE.

15 (3) PROCEDURES FOR CORRECT OPERATION OF THE TANNING  
16 FACILITY.

17 (4) RECOGNITION OF INJURIES AND THE FACILITY'S  
18 PROCEDURES OF HANDLING THE INJURIES FROM OVEREXPOSURE TO  
19 ULTRAVIOLET RADIATION.

20 (5) MANUFACTURER'S PROCEDURES FOR OPERATION AND  
21 MAINTENANCE OF THE TANNING DEVICE.

22 (6) USE OF PROTECTIVE EYEWEAR.

23 (7) EMERGENCY PROCEDURES IN CASE OF INJURY.

24 (8) EFFECTS OF ULTRAVIOLET RADIATION, ACUTE AND CHRONIC  
25 EXPOSURE AND HEALTH RISKS.

26 (9) PHOTSENSITIZING AGENTS.

27 (10) THE SIX DIFFERENT SKIN TYPES.

28 (B) PRESENCE.--A TRAINED OPERATOR SHALL BE PRESENT AT THE  
29 TANNING FACILITY DURING ALL OPERATING HOURS WHILE TANNING  
30 EQUIPMENT IS IN OPERATION AND SHALL INFORM AND ASSIST EACH

1 CUSTOMER IN THE OPERATION AND USE OF THE TANNING DEVICE. NO  
2 CONSUMER MAY USE THE TANNING EQUIPMENT IN THE ABSENCE OF A  
3 TRAINED OPERATOR.

4 SECTION 511. SANCTIONS.

5 (A) PENALTIES.--

6 (1) A LEGAL ENTITY THAT OPERATES A TANNING FACILITY IN  
7 VIOLATION OF THIS CHAPTER COMMITS A MISDEMEANOR AND SHALL BE  
8 SUBJECT TO SUSPENSION OR REVOCATION OF THE TANNING FACILITY'S  
9 CERTIFICATE OF REGISTRATION OR LICENSE. A PERSON WHO OPERATES  
10 A TANNING DEVICE IN VIOLATION OF THIS CHAPTER COMMITS A  
11 MISDEMEANOR.

12 (2) A LEGAL ENTITY THAT IS IN VIOLATION OF SECTION 509  
13 SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$250 FOR  
14 THE FIRST VIOLATION, UP TO \$500 FOR THE SECOND VIOLATION AND  
15 UP TO \$1,000 FOR EACH SUBSEQUENT VIOLATION.

16 (B) SUSPENSION OR REVOCATION.--IF THE DEPARTMENT FINDS A  
17 VIOLATION OF THIS CHAPTER THAT CREATES AN IMMEDIATE THREAT TO  
18 THE HEALTH AND SAFETY OF THE PUBLIC, THE DEPARTMENT MAY SUSPEND  
19 OR REVOKE THE TANNING FACILITY'S CERTIFICATE OF REGISTRATION OR  
20 LICENSE TO OPERATE.

21 (C) ENFORCEMENT.--

22 (1) THE DEPARTMENT MAY TAKE THE FOLLOWING STEPS IN  
23 WRITING OR USE ANY OTHER ACTS AND REGULATIONS TO ENFORCE THE  
24 PROVISIONS OF THIS CHAPTER:

25 (I) CITE EACH SECTION OF THE CHAPTER VIOLATED.

26 (II) SPECIFY THE MANNER IN WHICH THE OWNER, MANAGER  
27 OR OPERATOR FAILED TO COMPLY WITH THIS CHAPTER.

28 (III) REQUIRE A CORRECTIVE ACTION PLAN, INCLUDING A  
29 REASONABLE TIME SCHEDULE FOR COMPLETION. THE DEPARTMENT  
30 SHALL REVIEW THE CORRECTIVE ACTION PLAN AND APPROVE OR



1 SECTION 2101. EFFECTIVE DATE.

2 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3 (1) SECTION 503 SHALL TAKE EFFECT IN 90 DAYS.

4 (2) SECTION 504 SHALL TAKE EFFECT JANUARY 19, 2015.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

6 IMMEDIATELY.