

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 657
Health & Human Resources Committee Substitute Adopted 4/10/03

Short Title: Tanning Salons/Restrictions on Use.

(Public)

Sponsors:

Referred to:

April 1, 2003

1 A BILL TO BE ENTITLED
2 AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF
3 TANNING FACILITIES AND EQUIPMENT.

4 Whereas, on an average day in the United States, more than one million
5 people visit indoor tanning salons for the purpose of tanning the skin; and

6 Whereas, studies have found that indoor tanning may be just as harmful to the
7 skin as outdoor sun exposure; and

8 Whereas, most indoor tanning salon bulbs provide a significant amount of
9 UVA and UVB radiation, both types of which are found in the outdoor sun and cause
10 various types of damage to the skin that may lead to skin cancer; and

11 Whereas, past studies have suggested that tanning beds contribute to the
12 incidence of melanoma, and a recent study in the Journal of the National Cancer
13 Institute indicates that the use of tanning devices may also contribute to the incidence of
14 nonmelanoma skin cancers; and

15 Whereas, dermatologists across the country are alarmed with the number of
16 teenagers and young adults who continue to patronize tanning salons regardless of
17 studies reporting the link between sun exposure and a wide array of skin cancers; and

18 Whereas, the Centers for Disease Control and Prevention reports an estimated
19 700 emergency department visits per year related to tanning salon exposure; Now,
20 therefore,

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** Chapter 104E of the General Statutes is amended by adding
23 the following new section to read:

24 **"§ 104E-9.1. Restrictions on use and operation of tanning equipment.**

25 (a) Operators of tanning equipment and owners of tanning facilities subject to
26 rules adopted pursuant to this Chapter shall comply with or ensure compliance with the
27 following:

28 (1) The operator shall provide to each consumer a warning statement that
29 defines the potential hazards and consequences of exposure to

1 ultraviolet radiation. Before allowing the consumer's initial use of the
2 tanning equipment, the operator shall obtain the signature of the
3 consumer on the warning statement acknowledging receipt of the
4 warning.

5 (2) The operator shall not allow a person younger than the age of 18 years
6 to use tanning equipment unless the person gives the operator a written
7 informed consent statement signed and dated by the person's parent or
8 legal guardian and sworn before a notary public stating that the parent
9 or legal guardian has read and understands the warnings given by the
10 tanning facility, consents to the minor's use of the tanning equipment,
11 and agrees that the minor shall use protective eyewear.

12 (3) The operator shall not allow a person younger than the age of 13 years
13 to use tanning equipment unless:

14 a. The tanning facility receives written permission from the
15 person's physician allowing the person to use the tanning
16 equipment, and

17 b. The person's parent or legal guardian remains at the tanning
18 facility while the person uses the tanning equipment.

19 (4) The operator shall not allow a person 13, 14, or 15 years of age to use
20 tanning equipment unless the person's parent or legal guardian remains
21 at the tanning facility while the person uses the tanning equipment.

22 (5) Neither an operator nor an owner shall claim or distribute promotional
23 materials that claim that using tanning equipment is safe or free from
24 risk or that using tanning equipment will result in medical or health
25 benefits.

26 (6) The operator shall not allow a person to use tanning equipment longer
27 than the recommended exposure time provided by the manufacturer of
28 the tanning equipment as shown on the label of the tanning equipment.

29 (b) The Commission may adopt and the Department shall enforce rules to
30 implement this section. The requirements of this section are in addition to other rules
31 adopted pursuant to this Chapter that are applicable to tanning facilities and do not
32 conflict with this section.

33 (c) As used in this section, unless the context requires otherwise, the term:

34 (1) 'Consumer' means any individual who is provided access to a tanning
35 facility that is subject to registration and regulation under this Chapter.

36 (2) 'Tanning facility' means any location, place, area, structure, or business
37 that provides consumers access to tanning equipment. For the purpose
38 of this definition, tanning equipment registered to different persons at
39 the same location and tanning equipment registered to the same
40 person, but at separate locations, shall constitute separate tanning
41 facilities.

42 (3) 'Tanning equipment' means ultraviolet or other lamps and equipment
43 containing such lamps intended to induce skin tanning through the

1 irradiation of any part of the living human body with ultraviolet
2 radiation."

3 **SECTION 2.** This act becomes effective October 1, 2003.