

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 657  
Health & Human Resources Committee Substitute Adopted 4/10/03  
House Committee Substitute Favorable 7/15/04  
House Committee Substitute #2 Favorable 7/17/04**

Short Title: Tanning Salons/Restrictions on Use.

(Public)

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Sponsors:

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Referred to:

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April 1, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL  
2 PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE  
3 HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL  
4 OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING  
5 BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT  
6 OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER  
7 TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO  
8 PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING  
9 TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION  
10 PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT  
11 THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND  
12 HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING  
13 FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT  
14 EFFECTIVE OCTOBER 1, 2004.  
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16       Whereas, on an average day in the United States, more than one million  
17 people visit indoor tanning salons for the purpose of tanning the skin; and

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

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

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

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

4           Whereas, the Centers for Disease Control and Prevention reports an estimated  
5 700 emergency department visits per year related to tanning salon exposure; Now,  
6 therefore,

7 The General Assembly of North Carolina enacts:

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

10 **"§ 104E-9.1. Restrictions on use and operation of tanning equipment.**

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

14           (1) The operator shall provide to each consumer a warning statement that  
15 defines the potential hazards and consequences of exposure to  
16 ultraviolet radiation. Before allowing the consumer's initial use of the  
17 tanning equipment, the operator shall obtain the signature of the  
18 consumer on the warning statement acknowledging receipt of the  
19 warning.

20           (2) The operator shall not allow a person 13 years and younger to use  
21 tanning equipment without a written prescription from the person's  
22 medical physician specifying the nature of the medical condition  
23 requiring the treatment, the number of visits, and the time of exposure  
24 for each visit.

25           (3) Neither an operator nor an owner shall claim or distribute promotional  
26 materials that claim that using tanning equipment is safe or free from  
27 risk or that using tanning equipment will result in medical or health  
28 benefits.

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, 2004.