

1 HB179
2 145966-3
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 06-FEB-13

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8 SYNOPSIS: Under existing law, tanning facilities are
9 not regulated.

10 This bill would regulate tanning facilities
11 and would provide penalties.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Relating to public health; to regulate tanning
11 facilities; to provide penalties; and in connection therewith
12 would have as its purpose or effect the requirement of a new
13 or increased expenditure of local funds within the meaning of
14 Amendment 621 of the Constitution of Alabama of 1901, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. For purposes of this chapter, the
19 following terms shall have the following meanings:

20 (1) DEPARTMENT. The Department of Public Health.

21 (2) OPERATOR. A person designated by the tanning
22 facility owner or tanning device lessee to operate or assist
23 and instruct in the operation and use of the tanning facility
24 or tanning device.

25 (3) PHOTOTHERAPY DEVICE. Equipment used in the
26 diagnosis or treatment of disease or injury that emits
27 ultraviolet radiation.

1 (4) TANNING DEVICE. Equipment used for tanning of
2 human skin that emits electromagnetic radiation having
3 wavelengths between 200 and 400 nanometers. The term does not
4 include a phototherapy device used, or prescribed for use, by
5 a physician.

6 (5) TANNING FACILITY. Any location, place, area,
7 structure, or business, including tanning salons, health
8 clubs, apartments, and condominiums, that provides persons
9 access to a tanning device regardless of whether a fee is
10 charged for the access.

11 Section 2. The owner of a tanning facility shall
12 provide, or cause to be provided, written notice of the
13 effects of tanning to each customer before the customer's
14 initial use of the facility and at the beginning of each year.
15 The notice shall include the following statements:

16 (1) Failure to wear the eye protection provided by
17 the tanning facility may damage the customer's eyes and cause
18 cataracts.

19 (2) Overexposure to a tanning device may cause burns
20 to the skin.

21 (3) Repeated exposure to a tanning device may cause
22 premature aging of the skin, skin cancer, or malignant
23 melanoma.

24 (4) Certain foods, cosmetics, or medications,
25 including, but not limited to, tranquilizers, diuretics,
26 antibiotics, blood pressure medicines, and birth control

1 pills, may cause abnormal skin sensitivity or burning of the
2 skin while using a tanning device.

3 (5) Any person on medication should consult a
4 physician before using a tanning device.

5 (6) Any person with a family or past medical history
6 of skin cancer or malignant melanoma should avoid the use of a
7 tanning device.

8 Section 3. (a) The owner of a tanning facility shall
9 prominently display, or cause to be displayed, a warning sign
10 in each area of the facility where a tanning device is used.
11 The sign shall be at least 11 x 17 inches and the lettering
12 shall be clear, legible, and at least 0.25 inches high. The
13 sign shall include the following statements:

14 (1) Follow instructions.

15 (2) Avoid too frequent or too lengthy exposure. Like
16 exposure to the sun, use of a tanning device can cause eye and
17 skin injury and allergic reactions. Repeated exposure can
18 cause chronic skin damage, which is characterized by
19 wrinkling, dryness, fragility, and bruising of the skin and
20 may lead to skin cancer.

21 (3) Wear protective eye wear. Failure to do so may
22 result in severe burns or long-term injury to the eyes.

23 (4) Medications and cosmetics may increase
24 sensitivity to ultraviolet radiation. Consult a physician
25 before using a tanning device if you are using medication,
26 have a history of skin problems, or believe that you are
27 especially sensitive to sunlight.

1 (5) If your skin does not tan when exposed to the
2 sun, it is unlikely that your skin will tan when exposed to
3 the tanning device.

4 (b) The owner of a tanning facility shall
5 prominently display, or cause to be displayed, a sign in a
6 conspicuous area of the facility that states the following:

7 (1) It is unlawful for a tanning facility owner or
8 operator to allow a person under the age of 18 to use any
9 tanning equipment.

10 (2) An individual may report a violation to his or
11 her local law enforcement agency.

12 Section 4. (a) Any person who uses a tanning device
13 shall be required to do the following:

14 (1) Sign a statement immediately before the person's
15 first use of a tanning facility within a calendar year,
16 acknowledging that he or she has read and understands the
17 notice and warning signs required under this act and
18 specifying that the customer agrees to use protective eye
19 wear.

20 (2) Use protective eye wear at all times while using
21 a tanning device.

22 (b) No person under 18 years of age may use any
23 tanning device of any tanning facility in this state.

24 (c) Each owner of a tanning facility or operator
25 shall maintain a record of signed statements of persons who
26 have used tanning devices within the last three years.

1 Section 5. This act does not apply to any physician
2 who is duly licensed to practice medicine in this state and,
3 in the practice of medicine, uses, or prescribes to be used, a
4 phototherapy or tanning device for a patient of any age.

5 Section 6. The department shall adopt the warning
6 statement required under this act and post the advisory
7 statement on the department's website in a form that may be
8 easily downloaded and printed by a tanning facility owner or
9 operator. The department shall modify as necessary the
10 prescribed form and content for the records required under
11 this act.

12 Section 7. Any owner who violates a provision of
13 this act or any rule promulgated thereunder shall be guilty of
14 a misdemeanor punishable by a fine not to exceed two hundred
15 dollars (\$200) for the first violation and not more than five
16 hundred dollars (\$500) for any subsequent violation.

17 Section 8. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

25 Section 9. This act shall become effective on the
26 first day of the sixth month following its passage and
27 approval by the Governor, or its otherwise becoming law.

