

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 299

(Senator Benson, *et al.*)

Finance

Health and Government Operations

Tanning Devices - Use by Minors

This bill prohibits an owner, employee, or operator of a tanning facility from allowing a minor younger than age 18 to use a tanning device. The Maryland Department of Health (MDH) must develop and make available to each tanning facility a notice that contains specified information. An owner, employee, or operator must post the notice in a conspicuous place in the facility. The restrictions on tanning facilities do not apply to the use of any “phototherapy device” by a health care practitioner acting within the scope of their license, or by order of a health care practitioner acting within the scope of their license. Violators are subject to existing civil penalties.

Fiscal Summary

State Effect: MDH can likely develop the required notice, post the notice on its website for download by tanning facilities, and amend its regulations as necessary using existing budgeted resources. The application of existing penalty provisions is not anticipated to materially affect State revenues.

Local Effect: Enforcement can be handled with existing resources, assuming enforcement continues to be complaint-based. No effect on local revenues.

Small Business Effect: Potential meaningful decrease in revenues for small businesses tanning facilities that derive significant business from customers who are minors.

Analysis

Bill Summary: The required notice must include the following information: (1) it is unlawful for a tanning facility owner, employee, or operator to allow a minor to use any

tanning device; (2) a tanning facility owner, employee, or operator who violates one or more provisions of relevant law may be subject to a civil penalty; (3) an individual may report violations of relevant law to local law enforcement; and (4) the health risks associated with tanning, as specified.

“Phototherapy device” means any equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.

Current Law: An owner, employee, or operator of a tanning facility is prohibited from allowing a minor younger than age 18 to use a tanning device unless the minor’s parent or legal guardian provides written consent on the premises of the tanning facility and in the presence of an owner, employee, or operator. The owner, employee, or operator of a tanning facility must require appropriate documentation to verify the age of an individual before allowing them to access a tanning device. Violators are subject to civil penalties. Fines for violations are up to \$250 for the first violation, up to \$500 for the second violation, and up to \$1,000 for each subsequent violation.

Enforcement is primarily conducted by local health departments and is complaint based. MDH further notes that no fines or violations have been collected under these provisions of law in the last five years.

Additional Information

Prior Introductions: HB 56 of 2015, a related bill, received a hearing in the House Health and Government Operations Committee but was withdrawn. Its cross file, SB 152, received an unfavorable report from the Senate Finance Committee. In addition, similar bills were introduced in the 2011, 2012, and 2014 sessions.

Cross File: HB 124 (Delegate K. Young, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2019
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