COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2017 Legislative Session

BILL NO. 2017-10

Introduced by: Charles County Commissioners

Artificial Tanning Devices

Date introduced: 12/12/2017

Public Hearing: 1/9/2018 & 2/27/2018 @ 6:00 p.m.

Commissioners Action: 2/27/2018


Pass/Fail: Pass

Effective Date: 4/13/18

Remarks: ____________________________ ____________________________

NOTE: CAPITALS indicate matter added to existing text. [Brackets] indicate matter deleted from existing law.
COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2017 Legislative Session

Bill No. 2017-10

Chapter No. 5

Introduced by Charles County Commissioners

Date of Introduction December 12, 2017, amended January 23, 2018

BILL

AN ACT concerning:

ARTIFICIAL TANNING DEVICES

FOR the purpose of:

Prohibiting certain owners, employees, and operators of tanning facilities from allowing minors to use certain tanning devices unless the minor has obtained both consent by the minor's parent or legal guardian as required by State law and a written prescription from a physician specifying the nature of the medical condition requiring the treatment, the number of visits permitted, and the time of exposure for each visit.

BY adding:

Chapter 5. Artificial Tanning Devices

Code of Charles County, Maryland.


SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

CHAPTER 5. ARTIFICIAL TANNING DEVICES

§ 5-2 STATEMENT OF PURPOSE AND POLICY.

A. THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, RECOGNIZE THE IMPORTANCE OF THE GENERAL ASSEMBLY'S ADOPTION OF HOUSE BILL 1358 (2008) THAT UNDERSCORED THE FINDINGS
OF THE U.S. FOOD AND DRUG ADMINISTRATION AND NUMEROUS LEADING
HEALTH CARE ORGANIZATIONS THAT NEARLY ONE MILLION AMERICANS
ARE STRICKEN WITH SKIN CANCER, SOME FORMS OF WHICH CAN BE
FATAL.

B. ACCORDING TO STUDIES PUBLISHED BY THE AMERICAN MEDICAL
ASSOCIATION IN 2015, APPROXIMATELY 7.8 MILLION ADULT WOMEN AND
1.9 MILLION ADULT MEN IN THE UNITED STATES TAN INDOORS, AND
NEARLY ONE-THIRD OF THOSE ADULTS START TANNING BEFORE THE AGE
OF 18. AND, OF THE NEARLY 45 PERCENT OF THOSE CHILDREN THAT
STARTED TANNING BEFORE THE AGE OF 16, REPORTED THAT THEY DID SO
WITH A FAMILY MEMBER, AND NEARLY HALF OF THOSE CHILDREN DID SO
WITH THEIR MOTHERS.

C. THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY
CONCLUDE THAT IT IS IN THE PUBLIC INTEREST TO PROTECT CHILDREN
FROM THE HARMFUL EFFECTS OF ULTRAVIOLET RADIATION THROUGH
THE USE OF ARTIFICIAL TANNING DEVICES BY RESTRICTING MINORS’
ACCESS TO SUCH DEVICES UNLESS THE MINOR’S PARENT OR LEGAL
GUARDIAN HAS PROVIDED WRITTEN CONSENT AS REQUIRED BY STATE
LAW AND THE USE IS PRESCRIBED BY A PHYSICIAN.

§ 5-3 DEFINITIONS
IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.
A. “GOVERNMENT-ISSUED PHOTO IDENTIFICATION” SHALL MEAN ANY FORM
OF IDENTIFICATION THAT IS ISSUED BY A FEDERAL OR STATE
GOVERNMENTAL AGENCY, INCLUDING, BUT NOT LIMITED TO THE U.S.
GOVERNMENT, THE MARYLAND MOTOR VEHICLE ADMINISTRATION OR
OTHER SIMILAR AGENCY FROM A STATE OTHER THAN MARYLAND.
B. “HEALTH OFFICER” SHALL MEAN THE CHARLES COUNTY HEALTH OFFICER
OR THE HEALTH OFFICER’S DESIGNEE.
C. “MINOR” SHALL MEAN A PERSON UNDER THE AGE OF 18 YEARS OLD.
D. “PARENTAL CONSENT” SHALL MEAN CONSENT PROVIDED BY THE
MINOR’S PARENT OR LEGAL GUARDIAN THAT IS GIVEN IN THE MANNER
REQUIRED BY STATE LAW, IN THE HEALTH—GENERAL ARTICLE OF THE
ANNOTATED CODE OF MARYLAND, SPECIFICALLY SECTION 20-106(B), AS
MAY BE AMENDED FROM TIME TO TIME:

E. "PRESCRIPTION" MEANS A WRITTEN ORDER, SIGNED BY A LICENSED
PHYSICIAN IN MARYLAND, WHICH INDICATES THE DATE OF THE ORDER,
THE EXPIRATION OF THE ORDER, AND THE LENGTH AND FREQUENCY OF
THE USE OF THE TANNING DEVICE BY THE PATIENT.

F. D. "TANNING DEVICE" MEANS ANY EQUIPMENT THAT EMITS RADIATION
USED FOR TANNING OF THE SKIN, INCLUDING SUNLAMPS, TANNING
BOothS, OR TANNING BEDS.

G. E. "TANNING FACILITY" MEANS ANY PLACE WHERE A TANNING DEVICE IS
USED FOR A FEE, MEMBERSHIP DUES, OR OTHER COMPENSATION
WHETHER OR NOT PAID DIRECTLY BY THE USER.

H. "VERIFICATION" MEANS THE PROCESS BY WHICH AN OWNER, EMPLOYEE,
AND/OR OPERATOR OF A TANNING FACILITY MUST REVIEW AND
COMPARE THE NAME AS IT APPEARS ON THE PRESCRIPTION AND THE
GOVERNMENT ISSUED PHOTO ID.

§ 5-4 PROHIBITED ACTS

A. AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL
NOT ALLOW A MINOR TO USE A TANNING DEVICE UNLESS THE MINOR
HAS OBTAINED PARENTAL CONSENT AND A WRITTEN PRESCRIPTION
FROM A PHYSICIAN AUTHORIZING THE USE OF THE TANNING DEVICE.

B. AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL
NOT ALLOW A MINOR TO USE THE TANNING DEVICE UNLESS THE MINOR
POSSESS A VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION
WHICH MUST BE INSPECTED PRIOR TO EACH USE OF THE TANNING
DEVICE.

C. AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL
NOT ALLOW A MINOR TO USE THE TANNING DEVICE FOR ANY LENGTH OR
FREQUENCY THAT EXCEEDS THE PRESCRIPTION.

D. AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL
NOT ALLOW A MINOR TO USE THE TANNING DEVICE IF THE PRESCRIPTION
HAS EXPIRED.

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law
[Brackets] indicate language deleted from existing law
Strikethrough indicate language deleted by amendment
Bold and CAPITAL indicate language added by amendment.
§ 5-5 PERMISSIBLE USE OF TANNING FACILITY BY MINOR REQUIREMENTS

A. PRIOR TO ALLOWING A MINOR TO USE A TANNING DEVICE, THE OWNER, EMPLOYEE OR OPERATOR OF THE TANNING FACILITY MUST USE REASONABLE MEANS OF VERIFICATION THAT THE MINOR IS ENTITLED TO USE THE TANNING DEVICE PURSUANT TO THIS CHAPTER. A TANNING FACILITY MUST POST A SIGN IN ANY AREA WHERE A TANNING DEVICE IS USED THAT STATES THAT IT IS A VIOLATION IN CHARLES COUNTY FOR A PERSON UNDER THE AGE OF 18 TO USE A TANNING DEVICE.


C.B. PRIOR TO EACH USE OF THE TANNING DEVICE BY THE MINOR, THE OWNER, EMPLOYEE OR OPERATOR OF A TANNING FACILITY MUST INSPECT THE GOVERNMENT-ISSUED PHOTO IDENTIFICATION TO ENSURE THAT THE HOLDER IS THE PATIENT NAMED ON THE PRESCRIPTION THE PERSON ATTEMPTING TO UTILIZE THE TANNING DEVICE IS NOT A MINOR.

§ 5-6 ENFORCEMENT; PENALTIES

A. THE HEALTH OFFICER SHALL BE CHARGED WITH THE ENFORCEMENT OF THIS CHAPTER.

B. CIVIL PENALTIES

(1) THE HEALTH OFFICER MAY ENFORCE THE PROVISIONS OF THIS CHAPTER THROUGH INJUNCTIVE PROCEEDINGS, ACTION FOR SPECIFIC PERFORMANCE, OR ANY OTHER APPROPRIATE PROCEEDING.

(2) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS CHAPTER IS SUBJECT TO A CIVIL FINE OF $500.00 DOLLARS FOR EACH INCIDENT THAT OCCURS IN VIOLATION OF THIS CHAPTER. A COURT WITH COMPETENT JURISDICTION MAY IMPOSE THESE FINES AS ANCILLARY RELIEF IN THE INJUNCTIVE
§ 5-7 SEVERABILITY

IF ANY PART OF THIS CHAPTER IS HELD TO BE INVALID, THE INVALIDITY SHALL NOT AFFECT THE OTHER REMAINING PARTS.

SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 27th day of February, 2018.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Peter F. Murphy, President

Bobby Rucci, Vice President

Ken Robinson

Debra M. Davis, Esq.

Amanda M. Stewart, M.Ed.

ATTEST:

Danielle Mitchell, Clerk to the Commissioners