
By: **Senator Munson**

Introduced and read first time: January 28, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists - Tanning Facilities - Regulation**

3 FOR the purpose of authorizing the State Board of Cosmetologists to charge
4 reasonable fees to cover the costs of regulating tanning facilities; requiring the
5 Board to adopt certain regulations regarding the regulation of tanning facilities;
6 prohibiting an individual under a certain age from using a tanning device in a
7 tanning facility except under certain circumstances; allowing an individual
8 under a certain age to use a tanning device in a tanning facility if certain
9 conditions are met; requiring an individual to present valid photo identification
10 to an operator of a tanning facility before the individual may use a tanning
11 device; establishing civil penalties for violating the provisions of this Act;
12 requiring the penalties collected by the Board be paid into the General Fund of
13 the State; defining certain terms; and generally relating to the regulation of
14 tanning facilities by the State Board of Cosmetologists.

15 BY repealing and reenacting, with amendments,
16 Article - Business Occupations and Professions
17 Section 5-205
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY adding to
21 Article - Business Occupations and Professions
22 Section 5-5A-01 through 5-5A-05 to be under the new subtitle "Subtitle 5A.
23 Tanning Facilities"
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 5-205.

3 (a) In addition to any duties set forth elsewhere, the Board shall adopt:

4 (1) bylaws for the conduct of its proceedings;

5 (2) regulations for qualification and examination of applicants for
6 licenses, registration, and permits and issuance of licenses, certificates of
7 registration, and permits;

8 (3) regulations to govern the conduct of persons regulated under this
9 title;

10 (4) regulations to govern sanitation and safety in practicing cosmetology,
11 including regulations that establish precautions to prevent the spread of infectious
12 and contagious diseases; and

13 (5) regulations to govern the direct supervision of the operation of
14 limited practice beauty salons.

15 (b) (1) Subject to paragraph (4) of this subsection, the Board shall establish
16 reasonable fees for examinations, reinstatements, certifications, applications,
17 preopening inspections, per diem fees for Board members, compensation for
18 inspectors appointed by the Board, and for any other service performed by the Board
19 necessary to carry out the provisions of this title.

20 (2) Except for the examination fees which the Board shall establish in
21 amounts not to exceed the costs of the examinations, the fees established by the Board
22 shall be set in a manner that will produce funds sufficient to cover the actual direct
23 and indirect costs of regulating the cosmetology industry AND TANNING FACILITIES
24 in the State in accordance with the provisions of this title.

25 (3) The total cost of regulating the cosmetology industry AND TANNING
26 FACILITIES in the State in accordance with the provisions of this title may not be
27 more than the revenues generated by the fees established under paragraph (1) of this
28 subsection.

29 (4) The Board shall require a \$25 fee for the licensure or renewal of
30 licensure of cosmetologists, senior cosmetologists, estheticians, nail technicians, and
31 makeup artists.

32 **SUBTITLE 5A. TANNING FACILITIES.**

33 5-5A-01.

34 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

1 (B) "OPERATOR" MEANS AN OWNER OF A TANNING FACILITY OR AGENT OF AN
2 OWNER OF A TANNING FACILITY.

3 (C) (1) "TANNING DEVICE" MEANS A DEVICE THAT EMITS
4 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200 AND
5 400 NANOMETERS AND THAT IS USED FOR TANNING HUMAN SKIN.

6 (2) "TANNING DEVICE" INCLUDES A SUNLAMP, TANNING BOOTH,
7 TANNING BED, AND ANY ACCOMPANYING EQUIPMENT, INCLUDING PROTECTIVE
8 EYEWEAR, TIMERS, AND HANDRAILS.

9 (D) "TANNING FACILITY" MEANS A BUSINESS THAT PROVIDES ACCESS TO OR
10 USE OF TANNING DEVICES.

11 5-5A-02.

12 THE BOARD SHALL ADOPT REGULATIONS THAT:

13 (1) GOVERN THE CONDUCT OF PERSONS THAT OWN OR OPERATE A
14 TANNING FACILITY;

15 (2) GOVERN THE SANITATION AND SAFETY IN OPERATING A TANNING
16 FACILITY;

17 (3) GOVERN THE MAINTENANCE AND SAFE OPERATION OF TANNING
18 DEVICES IN TANNING FACILITIES; AND

19 (4) ARE NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND
20 WELFARE IN THE USE OF TANNING FACILITIES.

21 5-5A-03.

22 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
23 INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT USE A TANNING DEVICE IN A
24 TANNING FACILITY.

25 (B) AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY USE A TANNING
26 DEVICE IF:

27 (1) THE OPERATOR RECEIVES WRITTEN PERMISSION FROM THE
28 INDIVIDUAL'S PHYSICIAN ALLOWING THE INDIVIDUAL TO USE A TANNING DEVICE IN
29 A TANNING FACILITY; AND

30 (2) THE INDIVIDUAL'S PARENT OR GUARDIAN REMAINS AT THE
31 TANNING FACILITY WHILE THE INDIVIDUAL USES THE TANNING DEVICE.

32 5-5A-04.

33 AN INDIVIDUAL SHALL PRESENT VALID PHOTO IDENTIFICATION TO THE
34 OPERATOR BEFORE AN INDIVIDUAL MAY USE A TANNING DEVICE IN THE TANNING
35 FACILITY.

1 5-5A-05.

2 (A) THE BOARD MAY IMPOSE ON ANY OWNER OF A TANNING FACILITY WHO
3 VIOLATES ANY PROVISION OF THIS SUBTITLE A CIVIL PENALTY AS FOLLOWS:

4 (1) FOR A FIRST VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED,
5 NOT MORE THAN \$100;

6 (2) FOR A SECOND VIOLATION FOR WHICH A CIVIL PENALTY IS
7 IMPOSED, NOT MORE THAN \$250; AND

8 (3) FOR A THIRD OR SUBSEQUENT VIOLATION FOR WHICH A CIVIL
9 PENALTY IS IMPOSED, NOT MORE THAN \$500.

10 (B) PENALTIES COLLECTED BY THE BOARD UNDER THIS SECTION SHALL BE
11 PAID INTO THE GENERAL FUND OF THE STATE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2004.