

HOUSE BILL 1358

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8lr1881

By: **Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan-Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena-Melnyk, and V. Turner**

Introduced and read first time: February 8, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Artificial Tanning Devices - Protection of Minors**

3 FOR the purpose of prohibiting certain owners, employees, and operators of tanning
4 facilities from allowing minors to use certain tanning devices unless the minors
5 have certain prescriptions or are accompanied by certain individuals; requiring
6 certain owners, employees, and operators of tanning facilities to require certain
7 documentation before allowing certain individuals access to tanning facilities;
8 authorizing the Secretary of Health and Mental Hygiene to impose certain
9 penalties and adopt certain regulations; defining certain terms; and generally
10 relating to artificial tanning devices.

11 BY adding to
12 Article - Health - General
13 Section 20-106
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2007 Supplement)

16 Preamble

17 WHEREAS, The United States Food and Drug Administration and numerous
18 leading national health care organizations estimate that, each year, approximately
19 1,000,000 Americans are stricken with skin cancer, a potentially deadly disease and
20 the most common of all types of cancer; and

21 WHEREAS, The United States Food and Drug Administration and other
22 organizations estimate that, on average, more than 1,000,000 people in the United
23 States visit artificial tanning facilities each day and there is concern that consumers
24 do not know that indoor, artificial tanning devices emit ultraviolet radiation, both

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 UV-A and UV-B, that is similar to and sometimes more powerful than the ultraviolet
2 radiation emitted by the sun; and

3 WHEREAS, More than 2,300,000 teenagers use artificial tanning devices each
4 year, and more than 25% of American teenagers have used tanning booths three or
5 more times; and

6 WHEREAS, The World Health Organization has declared that no person under
7 the age of 18 years should use a tanning bed and the American Academy of
8 Dermatology has taken the position that no minor should be allowed to use artificial
9 tanning devices; and

10 WHEREAS, It is in the public interest to protect children from the harmful
11 effects of ultraviolet radiation through the use of artificial tanning devices by
12 restricting minors' access to such devices unless authorized by a physician; now,
13 therefore,

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

16 **Article - Health - General**

17 **20-106.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
19 MEANINGS INDICATED.

20 (2) "TANNING DEVICE" MEANS ANY EQUIPMENT THAT EMITS
21 RADIATION USED FOR TANNING OF THE SKIN, INCLUDING SUNLAMPS, TANNING
22 BOOTHS, OR TANNING BEDS.

23 (3) "TANNING FACILITY" MEANS ANY PLACE WHERE A TANNING
24 DEVICE IS USED FOR A FEE, MEMBERSHIP DUES, OR OTHER COMPENSATION.

25 (B) AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY MAY
26 NOT ALLOW A MINOR UNDER THE AGE OF 18 YEARS TO USE A TANNING DEVICE
27 UNLESS THE MINOR:

28 (1) HAS A WRITTEN PRESCRIPTION FROM A PHYSICIAN
29 AUTHORIZING USE OF A TANNING DEVICE; OR

30 (2) IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHEN
31 USING A TANNING DEVICE.

32 (C) THE OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY
33 SHALL REQUIRE APPROPRIATE DOCUMENTATION TO VERIFY THE AGE OF AN

1 INDIVIDUAL BEFORE ALLOWING THE INDIVIDUAL ACCESS TO A TANNING
2 DEVICE.

3 (D) (1) THE SECRETARY MAY IMPOSE ON A PERSON WHO VIOLATES
4 THIS SECTION:

5 (I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT TO
6 EXCEED \$250;

7 (II) FOR A SECOND VIOLATION, A CIVIL PENALTY NOT TO
8 EXCEED \$500; AND

9 (III) FOR EACH SUBSEQUENT VIOLATION, A CIVIL PENALTY
10 NOT TO EXCEED \$1,000.

11 (2) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT
12 AND CARRY OUT THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2008.