

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
Reassigned: Economic Matters, February 14, 2008

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 11, 2008

CHAPTER _____

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 provide
6 consent for the minors in a certain manner; requiring certain owners,
7 employees, and operators of tanning facilities to require certain documentation
8 before allowing certain individuals access to tanning facilities; authorizing the
9 Secretary of Health and Mental Hygiene to impose certain penalties and adopt
10 certain regulations; defining certain terms; providing for the construction of this
11 Act; and generally relating to artificial tanning devices.

12 BY adding to

13 Article – Health – General
14 Section 20–106
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2007 Supplement)

17 Preamble

18 WHEREAS, The United States Food and Drug Administration and numerous
19 leading national health care organizations estimate that, each year, approximately

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 1,000,000 Americans are stricken with skin cancer, a potentially deadly disease and
2 the most common of all types of cancer; and

3 WHEREAS, The United States Food and Drug Administration and other
4 organizations estimate that, on average, more than 1,000,000 people in the United
5 States visit artificial tanning facilities each day and there is concern that consumers
6 do not know that indoor, artificial tanning devices emit ultraviolet radiation, both
7 UV-A and UV-B, that is similar to and sometimes more powerful than the ultraviolet
8 radiation emitted by the sun; and

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

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

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

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

22 **Article - Health - General**

23 **20-106.**

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
25 MEANINGS INDICATED.

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

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

31 (B) AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY MAY
32 NOT ALLOW A MINOR UNDER THE AGE OF 18 YEARS TO USE A TANNING DEVICE
33 UNLESS THE ~~MINOR~~

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

3 ~~(2) IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHEN~~
4 ~~USING A TANNING DEVICE~~ MINOR'S PARENT OR LEGAL GUARDIAN PROVIDES
5 WRITTEN CONSENT ON THE PREMISES OF THE TANNING FACILITY AND IN THE
6 PRESENCE OF AN OWNER, EMPLOYEE, OR OPERATOR OF THE TANNING
7 FACILITY.

8 (C) THE OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY
9 SHALL REQUIRE APPROPRIATE DOCUMENTATION TO VERIFY THE AGE OF AN
10 INDIVIDUAL BEFORE ALLOWING THE INDIVIDUAL ACCESS TO A TANNING
11 DEVICE.

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
23 construed to preempt a county or municipal government from enacting and enforcing
24 more stringent measures to regulate the use of tanning devices by minors.

25 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2008.