

CHAPTER 691

(House Bill 1358)

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

FOR the purpose of prohibiting certain owners, employees, and operators of tanning facilities from allowing minors to use certain tanning devices unless ~~the minors have certain prescriptions or are accompanied by~~ certain individuals provide consent for the minors in a certain manner; requiring certain owners, employees, and operators of tanning facilities to require certain documentation before allowing certain individuals access to tanning facilities; authorizing the Secretary of Health and Mental Hygiene to impose certain penalties and adopt certain regulations; defining certain terms; providing for the construction of this Act; and generally relating to artificial tanning devices.

BY adding to

Article – Health – General

Section 20–106

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Preamble

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

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

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

WHEREAS, The World Health Organization has declared that no person under the age of 18 years should use a tanning bed and the American Academy of

Dermatology has taken the position that no minor should be allowed to use artificial tanning devices; and

WHEREAS, 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 authorized by a physician; now, therefore,

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

Article - Health - General

20-106.

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

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

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

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

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

~~(2) IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHEN USING A TANNING DEVICE~~ 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 OF THE TANNING FACILITY.

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

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

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

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

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

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

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

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

Approved by the Governor, May 22, 2008.