

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1358
Economic Matters

(Delegate Healey, *et al.*)

Finance

Artificial Tanning Devices - Protection of Minors

This bill prohibits an owner, employee, or operator of a tanning facility from allowing a minor younger than age 18 to use a tanning device unless the 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. Violators are subject to civil penalties.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions assuming imposition and collection by the Secretary of Health and Mental Hygiene. No effect on expenditures.

Local Effect: None.

Small Business Effect: Potentially meaningful for small tanning businesses that derive business from customers who are minors.

Analysis

Bill Summary: Fines for violations are • up to \$250 for the first violation; • up to \$500 for the second violation; and • up to \$1,000 for each subsequent violation. The bill does not preempt local governments from enacting and enforcing more stringent measures regulating the use of tanning devices by minors.

Current Law: Maryland law does not address the use of tanning devices by minors. However, the Radiological Health Program within the Maryland Department of the Environment is required to control the uses of radiation and to protect the public health and safety and the environment from inadvertent and unnecessary radiation exposure. This is accomplished through registration of radiation machines, licensing of radioactive materials, inspections, and enforcement actions to ensure regulatory compliance. Tanning devices are not currently regulated by MDE or by the Department of Health and Mental Hygiene.

At the federal level, the U.S. Food and Drug Administration enforces regulations that deal with labels on tanning devices. The labels are intended to inform consumers of the appropriate use and potential dangers of using tanning equipment.

Background: According to the U.S. Environmental Protection Agency, most tanning equipment emits two types of ultraviolet (UV) radiation: UVA and UVB. UVB has long been associated with sunburn, while UVA has been recognized as a deeper penetrating radiation. Tanning equipment mainly produces UVA radiation, sometimes known as “tanning rays.” While UVA radiation from artificial tanning equipment is less likely to cause sunburn than UVB radiation from sunlight, that does not make UVA radiation safe. UVA rays have a suspected link to malignant melanoma; like UVB rays, they also may be linked to immune system damage.

EPA advises that the long-term exposure to natural or artificial sources of UV radiation increases the risk of developing skin cancer. According to EPA, women who use tanning beds more than once a month are 55% more likely to develop malignant melanoma, the most fatal form of skin cancer. In addition, exposure to UV light actually thins the skin, making it less able to heal and increasing the damage caused by sunlight.

California prohibits minors younger than age 14 from using an ultraviolet tanning device. Connecticut law requires minors younger than age 16 to obtain written consent of a parent or guardian in order to use a tanning facility, and Florida law requires a parent or guardian to accompany a minor younger than age 14 when using a tanning device.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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