

HOUSE BILL 1039

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CF SB 718

By: **Delegates Bronrott, Barkley, Barve, Bobo, G. Clagett, Frush, Gaines, Guzzone, Healey, Hecht, Hubbard, Lee, Montgomery, Morhaim, Reznik, Taylor, F. Turner, and V. Turner**

Introduced and read first time: February 15, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Tanning Devices – Use by Minors – Prohibition**

3 FOR the purpose of prohibiting certain owners, employees, and operators of tanning
4 facilities from allowing minors to use certain tanning devices; prohibiting
5 certain owners, employees, and operators of tanning facilities from distributing
6 to minors certain passes, coupons, or packages redeemable for use of a tanning
7 device; providing that this Act does not preempt certain measures to regulate
8 the sanitary operation of tanning facilities; and generally relating to tanning
9 devices.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 20–106
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

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

17 **Article – Health – General**

18 20–106.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) **“DISTRIBUTE” MEANS TO:**

21 (I) **GIVE, SELL, DELIVER, DISPENSE, ISSUE, OR OFFER TO**
22 **GIVE, SELL, DELIVER, DISPENSE, OR ISSUE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) CAUSE OR HIRE A PERSON TO GIVE, SELL, DELIVER,**
2 **DISPENSE, ISSUE, OR OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE.**

3 **[(2)](3)** “Tanning device” means any equipment that emits radiation
4 used for tanning of the skin, including sunlamps, tanning booths, or tanning beds.

5 **[(3)](4)** “Tanning facility” means any place where a tanning device is
6 used for a fee, membership dues, or other compensation.

7 (b) An owner, employee, or operator of a tanning facility may not:

8 **(1) [allow] ALLOW** a minor [under the age of 18 years] to use a
9 tanning device [unless the minor’s parent or legal guardian provides written consent
10 on the premises of the tanning facility and in the presence of an owner, employee, or
11 operator of the tanning facility]; **OR**

12 **(2) DISTRIBUTE TO A MINOR A PASS, COUPON, OR PACKAGE**
13 **REDEEMABLE FOR USE OF A TANNING DEVICE.**

14 (c) The owner, employee, or operator of a tanning facility shall require
15 appropriate documentation to verify the age of an individual before allowing the
16 individual access to a tanning device.

17 (d) (1) The Secretary may impose on a person who violates this section:

18 (i) For a first violation, a civil penalty not to exceed \$250;

19 (ii) For a second violation, a civil penalty not to exceed \$500;

20 and

21 (iii) For each subsequent violation, a civil penalty not to exceed
22 \$1,000.

23 (2) The Secretary may adopt regulations to implement and carry out
24 this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
26 construed to preempt a county or municipal government from enacting and enforcing
27 more stringent measures to regulate the sanitary operation of tanning facilities.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.