

Chapter 440

(House Bill 124)

AN ACT concerning

Tanning Devices – Use by Minors

FOR the purpose of repealing the exemption authorizing a parent or legal guardian of certain minors to provide certain written consent for the minor to use a tanning device; requiring owners, employees, and operators of tanning facilities to ensure that a certain notice is posted in a certain manner in the facility; requiring the Maryland Department of Health to develop and make available to each tanning facility a notice that includes certain information; providing that this Act does not apply to the use of phototherapy devices by a ~~physician~~ certain health care practitioner or by order of a ~~physician~~ certain health care practitioner; providing that a certain provision of this Act may not be construed to authorize a ~~physician to prescribe to~~ prescription to be written for a minor for the use of a tanning device; defining a certain term; and generally relating to the use of tanning devices by minors.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 20–106

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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) “PHOTOTHERAPY DEVICE” MEANS ANY EQUIPMENT THAT EMITS ULTRAVIOLET RADIATION AND IS USED IN THE DIAGNOSIS OR TREATMENT OF DISEASE OR INJURY.

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

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

(B) (1) THIS SECTION DOES NOT APPLY TO THE USE OF ANY PHOTOTHERAPY DEVICE BY A ~~PHYSICIAN~~ HEALTH CARE PRACTITIONER ACTING WITHIN THE SCOPE OF THE LICENSE OF THE HEALTH CARE PRACTITIONER OR BY ORDER OF A ~~PHYSICIAN~~ HEALTH CARE PRACTITIONER ACTING WITHIN THE SCOPE OF THE LICENSE OF THE HEALTH CARE PRACTITIONER.

(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A ~~PHYSICIAN TO PRESCRIBE TO A MINOR~~ PRESCRIPTION TO BE WRITTEN FOR A MINOR FOR THE USE OF A TANNING DEVICE.

[(b)] (C) 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'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)] (D) The owner, employee, or operator of a tanning facility shall [require]:

(1) REQUIRE appropriate documentation to verify the age of an individual before allowing the individual access to a tanning device; **AND**

(2) ENSURE THAT THE NOTICE DEVELOPED UNDER SUBSECTION (E) OF THIS SECTION IS POSTED IN A CONSPICUOUS PLACE IN THE TANNING FACILITY.

(E) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE TO EACH TANNING FACILITY A NOTICE THAT INCLUDES THE FOLLOWING INFORMATION:

(1) THAT IT IS UNLAWFUL FOR A TANNING FACILITY OWNER, EMPLOYEE, OR OPERATOR TO ALLOW A MINOR TO USE ANY TANNING DEVICE;

(2) THAT A TANNING FACILITY OWNER, EMPLOYEE, OR OPERATOR THAT VIOLATES ONE OR MORE PROVISIONS OF THIS SECTION MAY BE SUBJECT TO A CIVIL PENALTY;

(3) THAT AN INDIVIDUAL MAY REPORT A VIOLATION OF ONE OR MORE PROVISIONS OF THIS SECTION TO THE LOCAL LAW ENFORCEMENT AGENCY; AND

(4) THE HEALTH RISKS ASSOCIATED WITH TANNING, INCLUDING SKIN CANCER, PREMATURE SKIN AGING, INJURIES INCLUDING BURNS, AND ADVERSE REACTIONS WHEN COMBINED WITH CERTAIN MEDICATIONS, FOODS, AND COSMETICS.

[(d)] (F) (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 shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.