

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2017 Legislative Session**

**BILL NO. 2017-10**

**Introduced by: Charles County Commissioners**

**Artificial Tanning Devices**

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**Date introduced:** 12 / 12 / 2017

**Public Hearing:** 1 / 9 / 2018 & 2 / 27 / 2018 @ 6:00 p.m.

**Commissioners Action:** 2 / 27 / 2018

**Commissioner Votes:** PFM: Y, KR: Y, DD: Y, AS: Y, BR: Absent

**Pass/Fail:** Pass

**Effective Date:** 4/13 / 18

**Remarks:** \_\_\_\_\_

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[Brackets] indicate matter deleted from existing law.

1                                   **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

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3                                   **2017 Legislative Session**

4  
5 Bill No. 2017-10

6 Chapter No. 5

7 Introduced by Charles County Commissioners

8 Date of Introduction December 12, 2017, amended January 23, 2018

9  
10                                   **BILL**

11  
12 AN ACT concerning:

13                                   **ARTIFICIAL TANNING DEVICES**

14 FOR the purpose of:

15                   Prohibiting certain owners, employees, and operators of tanning facilities from allowing  
16                   minors to use certain tanning devices ~~unless the minor has obtained both consent by the~~  
17                   ~~minor's parent or legal guardian as required by State law and a written prescription from~~  
18                   ~~a physician specifying the nature of the medical condition requiring the treatment, the~~  
19                   ~~number of visits permitted, and the time of exposure for each visit.~~

20 BY adding:

21                   Chapter 5. Artificial Tanning Devices  
22                   *Code of Charles County, Maryland.*  
23                   *2016 Edition.*

24  
25 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES  
26 COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

27  
28                                   **CHAPTER 5. ARTIFICIAL TANNING DEVICES**

29  
30 **§ 5-2 STATEMENT OF PURPOSE AND POLICY.**

31 A. THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY,  
32 MARYLAND, RECOGNIZE THE IMPORTANCE OF THE GENERAL ASSEMBLY'S  
33 ADOPTION OF HOUSE BILL 1358 (2008) THAT UNDERScoreD THE FINDINGS

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1 OF THE U.S. FOOD AND DRUG ADMINISTRATION AND NUMEROUS LEADING  
2 HEALTH CARE ORGANIZATIONS THAT NEARLY ONE MILLION AMERICANS  
3 ARE STRICKEN WITH SKIN CANCER, SOME FORMS OF WHICH CAN BE  
4 FATAL.

5 B. ACCORDING TO STUDIES PUBLISHED BY THE AMERICAN MEDICAL  
6 ASSOCIATION IN 2015, APPROXIMATELY 7.8 MILLION ADULT WOMEN AND  
7 1.9 MILLION ADULT MEN IN THE UNITED STATES TAN INDOORS, AND  
8 NEARLY ONE-THIRD OF THOSE ADULTS START TANNING BEFORE THE AGE  
9 OF 18. AND, OF THE NEARLY 45 PERCENT OF THOSE CHILDREN THAT  
10 STARTED TANNING BEFORE THE AGE OF 16, REPORTED THAT THEY DID SO  
11 WITH A FAMILY MEMBER, AND NEARLY HALF OF THOSE CHILDREN DID SO  
12 WITH THEIR MOTHERS.

13 C. THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY  
14 CONCLUDE THAT IT IS IN THE PUBLIC INTEREST TO PROTECT CHILDREN  
15 FROM THE HARMFUL EFFECTS OF ULTRAVIOLET RADIATION THROUGH  
16 THE USE OF ARTIFICIAL TANNING DEVICES BY RESTRICTING MINORS'  
17 ACCESS TO SUCH DEVICES ~~UNLESS THE MINOR'S PARENT OR LEGAL~~  
18 ~~GUARDIAN HAS PROVIDED WRITTEN CONSENT AS REQUIRED BY STATE~~  
19 ~~LAW AND THE USE IS PRESCRIBED BY A PHYSICIAN.~~

21 **§ 5-3 DEFINITIONS**

22 IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

23 A. "GOVERNMENT-ISSUED PHOTO IDENTIFICATION" SHALL MEAN ANY FORM  
24 OF IDENTIFICATION THAT IS ISSUED BY A FEDERAL OR STATE  
25 GOVERNMENTAL AGENCY, INCLUDING, BUT NOT LIMITED TO THE U.S.  
26 GOVERNMENT, THE MARYLAND MOTOR VEHICLE ADMINISTRATION OR  
27 OTHER SIMILAR AGENCY FROM A STATE OTHER THAN MARYLAND.

28 B. "HEALTH OFFICER" SHALL MEAN THE CHARLES COUNTY HEALTH OFFICER  
29 OR THE HEALTH OFFICER'S DESIGNEE.

30 C. "MINOR" SHALL MEAN A PERSON UNDER THE AGE OF 18 YEARS OLD.

31 ~~D. "PARENTAL CONSENT" SHALL MEAN CONSENT PROVIDED BY THE~~  
32 ~~MINOR'S PARENT OR LEGAL GUARDIAN THAT IS GIVEN IN THE MANNER~~  
33 ~~REQUIRED BY STATE LAW, IN THE HEALTH GENERAL ARTICLE OF THE~~

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1 ANNOTATED CODE OF MARYLAND, SPECIFICALLY SECTION 20-106(B), AS  
2 MAY BE AMENDED FROM TIME TO TIME.

3 E. ~~“PRESCRIPTION” MEANS A WRITTEN ORDER, SIGNED BY A LICENSED~~  
4 ~~PHYSICIAN IN MARYLAND, WHICH INDICATES THE DATE OF THE ORDER,~~  
5 ~~THE EXPIRATION OF THE ORDER, AND THE LENGTH AND FREQUENCY OF~~  
6 ~~THE USE OF THE TANNING DEVICE BY THE PATIENT.~~

7 F.D. “TANNING DEVICE” MEANS ANY EQUIPMENT THAT EMITS RADIATION  
8 USED FOR TANNING OF THE SKIN, INCLUDING SUNLAMPS, TANNING  
9 BOOTHS, OR TANNING BEDS.

10 G. E. “TANNING FACILITY” MEANS ANY PLACE WHERE A TANNING DEVICE IS  
11 USED FOR A FEE, MEMBERSHIP DUES, OR OTHER COMPENSATION  
12 WHETHER OR NOT PAID DIRECTLY BY THE USER.

13 H. ~~“VERIFICATION” MEANS THE PROCESS BY WHICH AN OWNER, EMPLOYEE,~~  
14 ~~AND/OR OPERATOR OF A TANNING FACILITY MUST REVIEW AND~~  
15 ~~COMPARE THE NAME AS IT APPEARS ON THE PRESCRIPTION AND THE~~  
16 ~~GOVERNMENT ISSUED PHOTO ID.~~

17  
18 **§ 5-4 PROHIBITED ACTS**

19 A. AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL  
20 NOT ALLOW A MINOR TO USE A TANNING DEVICE. ~~UNLESS THE MINOR~~  
21 ~~HAS OBTAINED PARENTAL CONSENT AND A WRITTEN PRESCRIPTION~~  
22 ~~FROM A PHYSICIAN AUTHORIZING THE USE OF THE TANNING DEVICE.~~

23 B. ~~AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL~~  
24 ~~NOT ALLOW A MINOR TO USE THE TANNING DEVICE UNLESS THE MINOR~~  
25 ~~POSSESSES A VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION,~~  
26 ~~WHICH MUST BE INSPECTED PRIOR TO EACH USE OF THE TANNING~~  
27 ~~DEVICE.~~

28 C. ~~AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL~~  
29 ~~NOT ALLOW A MINOR TO USE THE TANNING DEVICE FOR ANY LENGTH OR~~  
30 ~~FREQUENCY THAT EXCEEDS THE PRESCRIPTION.~~

31 D. ~~AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY SHALL~~  
32 ~~NOT ALLOW A MINOR TO USE THE TANNING DEVICE IF THE PRESCRIPTION~~  
33 ~~HAS EXPIRED.~~

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**§ 5-5 PERMISSIBLE USE OF TANNING FACILITY BY MINOR REQUIREMENTS**

- ~~A. PRIOR TO ALLOWING A MINOR TO USE A TANNING DEVICE, THE OWNER, EMPLOYEE OR OPERATOR OF THE TANNING FACILITY MUST USE REASONABLE MEANS OF VERIFICATION THAT THE MINOR IS ENTITLED TO USE THE TANNING DEVICE PURSUANT TO THIS CHAPTER. A TANNING FACILITY MUST POST A SIGN IN ANY AREA WHERE A TANNING DEVICE IS USED THAT STATES THAT IT IS A VIOLATION IN CHARLES COUNTY FOR A PERSON UNDER THE AGE OF 18 TO USE A TANNING DEVICE.~~
- ~~B. UPON VERIFICATION, THE OWNER, EMPLOYEE OR OPERATOR OF THE TANNING FACILITY MUST REQUIRE THE MINOR TO SURRENDER THE PRESCRIPTION FOR FILING AMONG THE BUSINESS RECORDS OF THE TANNING FACILITY.~~
- C.B. PRIOR TO EACH USE OF THE TANNING DEVICE BY THE MINOR, THE OWNER, EMPLOYEE OR OPERATOR OF A TANNING FACILITY MUST INSPECT THE GOVERNMENT-ISSUED PHOTO IDENTIFICATION TO ENSURE THAT THE HOLDER IS THE PATIENT NAMED ON THE PRESCRIPTION THE PERSON ATTEMPTING TO UTILIZE THE TANNING DEVICE IS NOT A MINOR.**

**§ 5-6 ENFORCEMENT; PENALTIES**

- A. THE HEALTH OFFICER SHALL BE CHARGED WITH THE ENFORCEMENT OF THIS CHAPTER.
- B. CIVIL PENALTIES
  - (1) THE HEALTH OFFICER MAY ENFORCE THE PROVISIONS OF THIS CHAPTER THROUGH INJUNCTIVE PROCEEDINGS, ACTION FOR SPECIFIC PERFORMANCE, OR ANY OTHER APPROPRIATE PROCEEDING.
  - (2) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS CHAPTER IS SUBJECT TO A CIVIL FINE OF \$500.00 DOLLARS FOR EACH INCIDENT THAT OCCURS IN VIOLATION OF THIS CHAPTER. A COURT WITH COMPETENT JURISDICTION MAY IMPOSE THESE FINES AS ANCILLARY RELIEF IN THE INJUNCTIVE

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PROCEEDINGS OR AS DAMAGES IN SEPARATE CIVIL PROCEEDINGS.

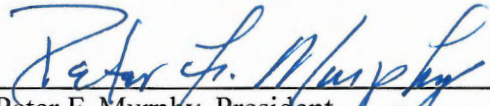
**§ 5-7 SEVERABILITY**

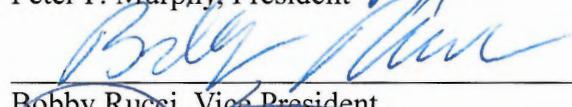
IF ANY PART OF THIS CHAPTER IS HELD TO BE INVALID, THE INVALIDITY SHALL NOT AFFECT THE OTHER REMAINING PARTS.

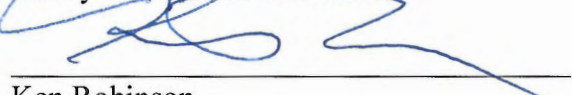
**SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect forty-five (45) calendar days after it becomes law.

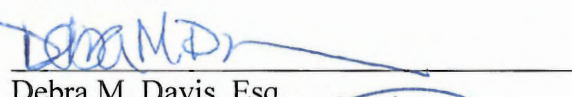
Adopted this 27<sup>th</sup> day of February, 2018.


COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND

  
Peter F. Murphy, President

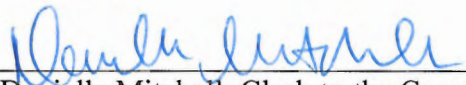
  
Bobby Rucci, Vice President

  
Ken Robinson

  
Debra M. Davis, Esq.

  
Amanda M. Stewart, M.Ed.

ATTEST:

  
Danielle Mitchell, Clerk to the Commissioners

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