



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 2, 2014

**GOV. MSG. NO. 1315**

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 2, 2014, the following bill was signed into law:

HB611 HD1 SD1 CD1

RELATING TO TANNING  
**ACT 205 (14)**

NEIL ABERCROMBIE  
Governor, State of Hawaii

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## A BILL FOR AN ACT

RELATING TO TANNING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The legislature finds that many physicians and  
2 scientists now warn that the health risks associated with  
3 suntanning are greater when tanning with artificial ultraviolet  
4 light. Specifically, those health risks include but are not  
5 limited to sunburn, premature aging, skin cancer, retinal  
6 damage, formation of cataracts, suppression of the immune  
7 system, and damage to the vascular system.

8 The legislature further finds that certain medications,  
9 cosmetics, and foods are "photosensitizing," which means that in  
10 some people, they react unfavorably with ultraviolet light to  
11 produce skin rashes or burns, and sunlamps and other artificial  
12 sources of ultraviolet light are known to intensify these  
13 effects. In light of this, the legislature further finds that  
14 it is necessary to protect and promote the public health,  
15 safety, and welfare concerning tanning with artificial  
16 ultraviolet light, especially where minors are concerned.



1 Accordingly, the purpose of this Act is to make it unlawful  
2 for tanning facilities and operators to allow the use of tanning  
3 beds by anyone under the age of eighteen.

4 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§321- Tanning facilities; minors; penalties. (a) It  
8 shall be unlawful for any tanning facility owner, lessee, or  
9 operator to allow any person under the age of eighteen to use  
10 any tanning equipment.

11 (b) A tanning facility owner, lessee, or operator shall  
12 post in a conspicuous place in each tanning facility that the  
13 individual owns, leases, or operates in this State, a notice  
14 developed by the director of health addressing the following:

15 (1) That it is unlawful for a tanning facility owner,  
16 lessee, or operator to allow a person under the age of  
17 eighteen to use any tanning equipment;

18 (2) That any tanning facility owner, lessee, or operator  
19 violating this section shall be subject to a fine;



1       (3) That any individual may report a violation of this  
2           section to the individual's local law enforcement  
3           agency; and

4       (4) The health risks associated with tanning.

5       (c) The director of health may impose on a person who  
6 violates this section:

7       (1) For a first violation, a fine not to exceed \$250; and

8       (2) For each subsequent violation, a fine not to exceed  
9           \$500.

10       (d) This section shall not apply to any physician duly  
11 licensed to practice medicine who uses, in the practice of  
12 medicine, medical diagnostic and therapeutic equipment that  
13 emits ultraviolet radiation or to any person who owns tanning  
14 equipment exclusively for personal, noncommercial use.

15       (e) The director of health may adopt rules in accordance  
16 with chapter 91 to implement this section.

17       (f) As used in this section:

18       "Operator" means a person designated by the tanning  
19 facility owner or tanning equipment lessee to operate or assist  
20 and instruct in the operation and use of the tanning facility or  
21 tanning equipment.



1       "Tanning equipment" means any device that emits  
2       electromagnetic radiation with wavelengths in the air between  
3       200 and 400 nanometers used for tanning of the skin, including  
4       but not limited to sunlamps, tanning booths, or tanning beds.

5       "Tanning facility" means any location, place, area,  
6       structure, or business that provides persons access to any  
7       tanning equipment, including tanning salons, health clubs, gyms,  
8       apartments, condominiums, and hotels, regardless of whether a  
9       fee is charged for access to the tanning equipment."

10       SECTION 3. This Act does not affect rights and duties that  
11       matured, penalties that were incurred, and proceedings that were  
12       began before its effective date.

13       SECTION 4. New statutory material is underscored.

14       SECTION 5. This Act shall take effect on July 1, 2014.

APPROVED this 2 day of JUL , 2014



GOVERNOR OF THE STATE OF HAWAII

