

JAN 16 2014

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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. The legislature  
8 further finds that certain medications, cosmetics, and foods are  
9 "photosensitizing," which means that in some people they react  
10 unfavorably with ultraviolet light to produce skin rashes or  
11 burns. Sunlamps and other artificial sources of ultraviolet  
12 light are known to intensify these effects.

13       The legislature also finds that state law is necessary to  
14 protect and promote the public health, safety, and welfare  
15 concerning tanning with artificial ultraviolet light, especially  
16 where minors are concerned.

17       The purpose of this Act is to:



1 (1) Make it unlawful for tanning facilities and operators  
2 in the State to allow use of tanning equipment by  
3 anyone under the age of eighteen; and

4 (2) Require all tanning facilities and operators in the  
5 State to provide written notice, post warning signs,  
6 and meet certain requirements relating to the safe  
7 operation of tanning equipment.

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

11 "§321- Tanning facilities; minors; notice; requirements;  
12 penalties. (a) This section shall apply to any tanning  
13 facility in Hawaii; provided that it shall not apply to any  
14 physician duly licensed to practice medicine who uses, in the  
15 practice of medicine, medical diagnostic and therapeutic  
16 equipment that emit ultraviolet radiation or to any person who  
17 owns tanning equipment exclusively for personal, noncommercial  
18 use.

19 (b) It shall be unlawful for a tanning facility or  
20 operator to allow any person who has not yet reached the age of  
21 eighteen to use any tanning equipment.



1        (c) Each tanning facility in the State shall provide each  
2 of its customers written notice before initial use of any  
3 tanning equipment and at the beginning of each succeeding  
4 calendar year. The form of the written notice shall be  
5 substantially as follows:

6        (1) Failure to wear eye protection provided by the tanning  
7 facility may damage the customer's eyes and cause  
8 cataracts;

9        (2) Overexposure to tanning equipment may cause burns to  
10 the skin;

11       (3) Repeated exposure to tanning equipment may cause  
12 premature aging of the skin and skin cancer;

13       (4) Abnormal skin sensitivity or burning of the skin while  
14 using tanning equipment may be caused by certain  
15 foods; certain cosmetics; or certain medications  
16 including but not limited to tranquilizers, diuretics,  
17 antibiotics, high blood pressure medicines, and birth  
18 control pills; and

19       (5) Any person who takes a drug should consult a physician  
20 before using tanning equipment.

21       (d) Each tanning facility in the State shall prominently  
22 display a warning sign in each area where tanning equipment is



1 used. The form of the warning sign shall be substantially as  
2 follows:

- 3 (1) Follow instructions;
- 4 (2) Avoid too frequent or too lengthy exposure. Like  
5 exposure to the sun, use of tanning equipment can  
6 cause eye and skin injury and allergic reactions.  
7 Repeated exposure can cause chronic sun damage, which  
8 is characterized by wrinkling, dryness, fragility and  
9 bruising of the skin, and skin cancer;
- 10 (3) Wear protective eyewear. Failure to do so may result  
11 in severe burns or long-term injury to the eyes;
- 12 (4) Medications and cosmetics may increase your  
13 sensitivity to ultraviolet radiation. Consult a  
14 physician before using tanning equipment if you are  
15 especially sensitive to sunlight; and
- 16 (5) If your skin does not tan when exposed to the sun it  
17 is unlikely that your skin will tan when exposed to  
18 this tanning equipment.

19 (e) The owner, lessee, or operator of a tanning facility  
20 shall ensure that all of the following requirements are met:

- 21 (1) No customer under eighteen years of age shall be  
22 permitted to use the tanning facility. Proof of age



- 1           shall be satisfied with a government-issued photo  
2           identification document containing the date of birth  
3           of the customer;
- 4           (2) During operating hours a trained operator, who is able  
5           to inform customers about and assist customers in the  
6           proper use of tanning equipment, shall be present at  
7           the tanning facility;
- 8           (3) Each tanning bed is properly sanitized after each use;
- 9           (4) Prior to using tanning equipment, each customer shall  
10          be provided with properly sanitized and securely-  
11          fitted protective eyewear that protects the wearer's  
12          eyes from ultraviolet radiation and allows enough  
13          vision to maintain balance;
- 14          (5) A customer shall not be permitted to use tanning  
15          equipment unless the customer uses protective eyewear;
- 16          (6) Each customer shall be shown how to use physical aids,  
17          such as handrails and floor markings, to maintain  
18          proper exposure distance from tanning equipment, as  
19          recommended by the manufacturer;
- 20          (7) A timing device that is accurate within ten per cent  
21          of any selected timer interval shall be used and shall



1           be remotely located so customers cannot set their own  
2           exposure time;

3           (8) All tanning equipment shall be equipped with a  
4           mechanism that allows the customer to turn the tanning  
5           equipment off;

6           (9) Each customer shall be limited to the maximum exposure  
7           time recommended by the manufacturer for that  
8           customer's skin type;

9           (10) Customers shall not use any tanning equipment more  
10          than once every twenty-four hours;

11          (11) The interior temperature of a tanning equipment shall  
12          not exceed one hundred degrees Fahrenheit; and

13          (12) Signed customer statements, as required by subsection  
14          (f), shall be retained for three years or until the  
15          customer signs a new statement.

16          (f) No person shall use the tanning equipment of a tanning  
17          facility unless the following requirements are met:

18          (1) Before the initial use of any tanning equipment and at  
19          the beginning of each succeeding calendar year, a  
20          customer shall sign a statement acknowledging that the  
21          customer has read and understands the written notice  
22          required by subsection (c) and the warning sign



1           required by subsection (d) and agrees to the use of  
2           protective eyewear; and

3           (2) A customer agrees to use protective eyewear at all  
4           times while using tanning equipment.

5           (g) 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  
8           \$ \_\_\_\_\_ ; and

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

11           (h) The director of health may adopt rules in accordance  
12 with chapter 91 to implement this section.

13           (i) As used in this section:

14           "Operator" means a person designated by the tanning  
15 facility owner or tanning equipment lessee to operate or to  
16 assist and instruct in the operation and use of the tanning  
17 facility or tanning equipment.

18           "Tanning equipment" means any device that emits  
19 electromagnetic radiation with wavelengths in the air between  
20 200 and 400 nanometers used for tanning of the skin, including  
21 but not limited to sunlamps, tanning booths, or tanning beds.



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

6        SECTION 3. New statutory material is underscored.

7        SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 2221

**Report Title:**

Tanning Facilities; Tanning Equipment; Notice; Warning Signs; Requirements; Minors; Penalties

**Description:**

Makes it unlawful for tanning facilities and operators to allow use of tanning equipment by anyone under the age of eighteen. Requires all tanning facilities and operators to provide written notice, post warning signs, and meet certain requirements relating to the safe operation of tanning equipment.

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