

JAN 18 2013

S.B. NO. 399

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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 also  
8 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, and sunlamps and other artificial sources of ultraviolet  
12 light are known to intensify these effects. The legislature  
13 also finds that state law is necessary to protect and promote  
14 the public health, safety, and welfare concerning tanning with  
15 artificial ultraviolet light, especially where minors are  
16 concerned.



1       The purpose of this Act is to make it unlawful for tanning  
2 facilities and operators to allow use of tanning beds by anyone  
3 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) This  
8 section shall apply to any tanning facility in Hawaii; provided  
9 that it shall not apply to any physician duly licensed to  
10 practice medicine who uses, in the practice of medicine, medical  
11 diagnostic and therapeutic equipment that emit ultraviolet  
12 radiation or to any person who owns tanning equipment  
13 exclusively for personal, noncommercial use.

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

17       (c) A tanning facility owner, lessee, or operator shall  
18 post in a conspicuous place in each tanning facility that the  
19 individual owns, leases, or operates in this State a notice  
20 developed by the director of health addressing the following:



1       (1) That it is unlawful for a tanning facility or operator  
2       to allow a person under the age of eighteen to use any  
3       tanning equipment;

4       (2) That a tanning facility or operator that violates this  
5       section shall be subject to a fine;

6       (3) That an individual may report a violation of this  
7       section to the individual's local law enforcement  
8       agency; and

9       (4) The health risks associated with tanning.

10       (d) The director of health may impose on a person who  
11       violates this section:

12       (1) For a first violation, a fine not to exceed  
13       \$ \_\_\_\_\_ ; and

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

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

18       (f) As used in this section:

19       "Operator" means a person designated by the tanning  
20       facility owner or tanning equipment lessee to operate or to  
21       assist and instruct in the operation and use of the tanning  
22       facility or 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. New statutory material is underscored.

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

12       INTRODUCED BY:

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# S.B. NO. 399

**Report Title:**

Tanning Facilities; Minors; Penalties

**Description:**

Makes it unlawful for tanning facilities and operators to allow use of tanning beds by anyone under the age of eighteen.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

