

## ACT 205

H.B. NO. 611

A Bill for an Act Relating to Tanning.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

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

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

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

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

- (1) That it is unlawful for a tanning facility owner, lessee, or operator to allow a person under the age of eighteen to use any tanning equipment;
  - (2) That any tanning facility owner, lessee, or operator violating this section shall be subject to a fine;
  - (3) That any individual may report a violation of this section to the individual's local law enforcement agency; and
  - (4) The health risks associated with tanning.
- (c) The director of health may impose on a person who violates this

section:

- (1) For a first violation, a fine not to exceed \$250; and
- (2) For each subsequent violation, a fine not to exceed \$500.

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

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

(f) As used in this section:

“Operator” means a person designated by the tanning facility owner or tanning equipment lessee to operate or assist and instruct in the operation and use of the tanning facility or tanning equipment.

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

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

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

SECTION 4. New statutory material is underscored.<sup>1</sup>

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

(Approved July 2, 2014.)

### Note

1. Edited pursuant to HRS §23G-16.5.