

By: Representatives Stevens, Ellington,
Jennings, Aldridge, Howell, Barnett,
Martinson, Formby, Akins, Rogers (14th),
Moore, Carlton, Turner

To: Public Health and Human
Services; Judiciary B

HOUSE BILL NO. 645

1 AN ACT TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING
2 FACILITIES BY CHILDREN UNDER AGE FOURTEEN; TO PROHIBIT THE USE OF
3 TANNING DEVICES AT TANNING FACILITIES BY CHILDREN BETWEEN THE AGES
4 OF FOURTEEN AND EIGHTEEN UNLESS THE CHILD'S PARENT OR LEGAL
5 GUARDIAN HAS GIVEN WRITTEN CONSENT TO THE TANNING FACILITY; TO
6 REQUIRE THE PARENT OR GUARDIAN TO SIGN THE CONSENT FORM IN THE
7 PRESENCE OF THE OPERATOR OF THE TANNING FACILITY; TO PROVIDE THAT
8 THE CONSENT IS VALID FOR THIRTY DAYS FROM THE DATE OF SIGNATURE;
9 TO REQUIRE THE PARENT OR GUARDIAN TO SPECIFY THE MAXIMUM NUMBER OF
10 TIMES THAT THE CHILD MAY USE A TANNING DEVICE AT THE TANNING
11 FACILITY DURING THE THIRTY-DAY PERIOD; TO REQUIRE ADDITIONAL
12 WRITTEN CONSENT FOR THE CHILD TO USE A TANNING DEVICE AT A TANNING
13 FACILITY AFTER THE EXPIRATION OF THE THIRTY-DAY PERIOD; TO REQUIRE
14 TANNING FACILITIES TO MAINTAIN THE CONSENT FORMS AND CERTAIN
15 RECORDS REGARDING THE USE OF TANNING DEVICES AT THE TANNING
16 FACILITIES BY THOSE CHILDREN; TO PROVIDE CRIMINAL AND CIVIL
17 PENALTIES FOR TANNING FACILITIES THAT VIOLATE THE PROVISIONS OF
18 THIS ACT; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** (1) As used in this section:

21 (a) "Tanning device" means any equipment that emits
22 radiation used for tanning of the skin, such as a sun lamp,
23 tanning booth or tanning bed, and includes any accompanying
24 equipment, such as protective eyewear, timers and handrails; and

25 (b) "Tanning facility" means any place where a tanning
26 device is used for a fee, membership dues, or any other
27 compensation.

28 (2) A child under fourteen (14) years of age shall not use a
29 tanning device at a tanning facility.

30 (3) A child fourteen (14) years of age or older but under
31 eighteen (18) years of age shall not use a tanning device at a
32 tanning facility unless the child's parent or legal guardian has
33 provided written consent to the tanning facility. The tanning
34 facility may accept proof of the child's age from a valid driver's
35 license or other government issued identification containing the

36 date of birth and a photograph of the child. The parent or
37 guardian shall sign the consent form in the presence of the
38 operator of the tanning facility, and that consent is valid for
39 thirty (30) days from the date of signature. The parent or
40 guardian shall state on the consent form his or her relationship
41 with the child and the age of the child, and shall specify the
42 maximum number of times that the child may use a tanning device at
43 the tanning facility during the thirty-day period. After the
44 expiration of the thirty-day period, the child shall not use a
45 tanning device at a tanning facility until the child's parent or
46 legal guardian has provided additional written consent in
47 accordance with the requirements of this subsection.

48 (3) Each tanning facility shall:

49 (a) Maintain the written consent forms of the parents
50 or guardians for a period of not less than two (2) years, and make
51 the forms available to law enforcement personnel for inspection
52 upon request; and

53 (b) Make written records showing the dates and duration
54 of use of a tanning device at the tanning facility by children
55 fourteen (14) years of age or older but under eighteen (18) years
56 of age, maintain those records for a period of not less than two
57 (2) years, and make the records available to law enforcement
58 personnel for inspection upon request.

59 (4) A tanning facility that allows a child to use a tanning
60 device at the tanning facility in violation of the provisions of
61 this section, or fails to make and maintain the records required
62 by this section, or knowingly makes false entries in those
63 records, is guilty of a misdemeanor and, upon conviction thereof,
64 shall be fined not less than Two Hundred Dollars (\$200.00) nor
65 more than One Thousand Dollars (\$1,000.00). In addition, a
66 tanning facility that allows a person to use a tanning device at
67 the tanning facility in violation of the provisions of this
68 section is liable for a civil penalty of One Thousand Dollars

69 (\$1,000.00) per incident, which may be recovered in any court of
70 competent jurisdiction by the parent or legal guardian of the
71 child that the tanning facility allowed to use the tanning device
72 in violation of this section.

73 (5) This section does not apply to a licensed health care
74 professional who uses a tanning device for the treatment of
75 patients, if that use is within the lawful scope of practice of
76 the health care professional.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2005.