HOUSE BILL NO. 957

AN ACT TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY CHILDREN UNDER AGE FOURTEEN; TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY CHILDREN BETWEEN THE AGES OF FOURTEEN AND EIGHTEEN UNLESS THE CHILD’S PARENT OR LEGAL GUARDIAN HAS GIVEN WRITTEN CONSENT TO THE TANNING FACILITY; TO REQUIRE THE PARENT OR GUARDIAN TO SIGN THE CONSENT FORM IN THE PRESENCE OF THE OPERATOR OF THE TANNING FACILITY; TO PROVIDE THAT THE CONSENT IS VALID FOR THIRTY DAYS FROM THE DATE OF SIGNATURE; TO REQUIRE THE PARENT OR GUARDIAN TO SPECIFY THE MAXIMUM NUMBER OF TIMES THAT THE CHILD MAY USE A TANNING DEVICE AT THE TANNING FACILITY DURING THE THIRTY-DAY PERIOD; TO REQUIRE ADDITIONAL WRITTEN CONSENT FOR THE CHILD TO USE A TANNING DEVICE AT A TANNING FACILITY AFTER THE EXPIRATION OF THE THIRTY-DAY PERIOD; TO REQUIRE TANNING FACILITIES TO MAINTAIN THE CONSENT FORMS AND CERTAIN RECORDS REGARDING THE USE OF TANNING DEVICES AT THE TANNING FACILITIES BY THOSE CHILDREN; TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR TANNING FACILITIES THAT VIOLATE THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

guardian shall sign the consent form in the presence of the

operator of the tanning facility, and that consent is valid for

thirty (30) days from the date of signature. The parent or

guardian shall state on the consent form his or her relationship

with the child and the age of the child, and shall specify the

maximum number of times that the child may use a tanning device at

the tanning facility during the thirty-day period. After the

expiration of the thirty-day period, the child shall not use a

tanning device at a tanning facility until the child's parent or

legal guardian has provided additional written consent in

accordance with the requirements of this subsection.

(4) Each tanning facility shall:

(a) Maintain the written consent forms of the parents

or guardians for a period of not less than two (2) years, and make

the forms available to law enforcement personnel for inspection

upon request; and

(b) Make written records showing the dates and duration

of use of a tanning device at the tanning facility by children

fourteen (14) years of age or older but under eighteen (18) years

of age, maintain those records for a period of not less than two

(2) years, and make the records available to law enforcement

personnel for inspection upon request.

(5) A tanning facility that allows a child to use a tanning

device at the tanning facility in violation of the provisions of

this section, or fails to make and maintain the records required

by this section, or knowingly makes false entries in those

records, is guilty of a misdemeanor and, upon conviction thereof,

shall be fined not less than Two Hundred Dollars ($200.00) nor

more than One Thousand Dollars ($1,000.00). In addition, a

tanning facility that allows a person to use a tanning device at

the tanning facility in violation of the provisions of this

section is liable for a civil penalty of One Thousand Dollars
($1,000.00) per incident, which may be recovered in any court of competent jurisdiction by the parent or legal guardian of the child that the tanning facility allowed to use the tanning device in violation of this section.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2007.