

By: Representative Stevens

To: Public Health and Human
ServicesHOUSE BILL NO. 214
(As Sent to Governor)

1 AN ACT TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING
2 FACILITIES BY CHILDREN UNDER AGE FOURTEEN UNLESS THE CHILD'S
3 PARENT OR LEGAL GUARDIAN HAS PROVIDED WRITTEN CONSENT TO THE
4 TANNING FACILITY AND THE PARENT OR GUARDIAN IS PHYSICALLY PRESENT
5 AT THE TANNING FACILITY DURING THE ENTIRE TIME THAT THE CHILD USES
6 A TANNING DEVICE AT THE TANNING FACILITY; TO PROVIDE THAT THE
7 CONSENT MAY BE REVOKED AT ANY TIME BY THE PARENT OR GUARDIAN; TO
8 PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY
9 CHILDREN BETWEEN THE AGES OF FOURTEEN AND EIGHTEEN UNLESS THE
10 CHILD'S PARENT OR LEGAL GUARDIAN HAS GIVEN WRITTEN CONSENT TO THE
11 TANNING FACILITY; TO REQUIRE THE PARENT OR GUARDIAN TO SIGN THE
12 CONSENT FORM IN THE PRESENCE OF THE OPERATOR OF THE TANNING
13 FACILITY; TO PROVIDE THAT THE CONSENT IS VALID FOR ONE YEAR FROM
14 THE DATE OF SIGNATURE, UNLESS THE CONSENT IS REVOKED BY THE PARENT
15 OR GUARDIAN; TO PROVIDE THAT THE CONSENT MAY BE REVOKED AT ANY
16 TIME BY THE PARENT OR GUARDIAN; TO REQUIRE THE PARENT OR GUARDIAN
17 TO SPECIFY THE MAXIMUM NUMBER OF TIMES THAT THE CHILD MAY USE A
18 TANNING DEVICE AT THE TANNING FACILITY DURING THE ONE-YEAR PERIOD;
19 TO REQUIRE ADDITIONAL WRITTEN CONSENT FOR THE CHILD TO USE A
20 TANNING DEVICE AT A TANNING FACILITY AFTER THE EXPIRATION OF THE
21 ONE-YEAR PERIOD OR IF THE PARENT OR GUARDIAN REVOKES THE CONSENT;
22 TO REQUIRE TANNING FACILITIES TO MAINTAIN THE CONSENT FORMS AND
23 CERTAIN RECORDS REGARDING THE USE OF TANNING DEVICES AT THE
24 TANNING FACILITIES BY THOSE CHILDREN; AND FOR RELATED PURPOSES.

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

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

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

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

34 (2) A child under fourteen (14) years of age shall not use a
35 tanning device at a tanning facility unless the child's parent or
36 legal guardian has provided written consent to the tanning



37 facility and the parent or guardian is physically present at the
38 tanning facility during the entire time that the child uses a
39 tanning device at the tanning facility. The parent or guardian
40 shall sign the consent form in the presence of the operator of the
41 tanning facility, and that consent may be revoked at any time by
42 the parent or guardian. The parent or guardian shall state on the
43 consent form his or her relationship with the child and the age of
44 the child. If the parent or guardian revokes the consent, the
45 child shall not use a tanning device at a tanning facility until
46 the child's parent or legal guardian has provided additional
47 written consent in accordance with the requirements of this
48 subsection.

49 (3) A child fourteen (14) years of age or older but under
50 eighteen (18) years of age shall not use a tanning device at a
51 tanning facility unless the child's parent or legal guardian has
52 provided written consent to the tanning facility. The tanning
53 facility may accept proof of the child's age from any valid
54 source. The parent or guardian shall sign the consent form in the
55 presence of the operator of the tanning facility, and that consent
56 is valid for one (1) year from the date of signature, unless the
57 consent is revoked by the parent or guardian. The consent may be
58 revoked at any time by the parent or guardian. The parent or
59 guardian shall state on the consent form his or her relationship
60 with the child and the age of the child, and shall specify the
61 maximum number of times that the child may use a tanning device at
62 the tanning facility during the one-year period. After the
63 expiration of the one-year period, or if the parent or guardian
64 revokes the consent, the child shall not use a tanning device at a
65 tanning facility until the child's parent or legal guardian has
66 provided additional written consent in accordance with the
67 requirements of this subsection.

68 (4) Each tanning facility shall:



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

73 (b) Make written, electronic or digital records showing
74 the dates and duration of use of a tanning device at the tanning
75 facility by children under eighteen (18) years of age, maintain
76 those records for a period of not less than two (2) years, and
77 make the records available to law enforcement personnel for
78 inspection upon request.

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2009.

