

By: Representative Barker

To: Public Health and Human Services

HOUSE BILL NO. 1097

1 AN ACT TO AMEND SECTION 41-115-1, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY  
3 CHILDREN UNDER AGE 18; TO PROVIDE FOR A CIVIL PENALTY FOR  
4 VIOLATIONS OF THIS SECTION; TO REQUIRE THE OPERATOR TO REQUIRE  
5 PHOTO IDENTIFICATION INDICATING THAT THE PERSON USING A TANNING  
6 DEVICE IS AT LEAST 18 YEARS OF AGE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-115-1, Mississippi Code of 1972, is  
9 amended as follows:

10 41-115-1. (1) As used in this section:

11 (a) "Tanning device" means any equipment that emits  
12 radiation having wavelengths in the air between two hundred (200)  
13 and four hundred (400) nanometers and that is used for tanning of  
14 the skin, such as a sunlamp, tanning booth or tanning bed, and  
15 includes any accompanying equipment, such as protective eyewear,  
16 timers and handrails; and

17 (b) "Tanning facility" means any \* \* \* location, place,  
18 area, structure or business that provides persons access to any  
19 tanning device, including tanning salons, health clubs, apartments



20 and condominiums, regardless of whether a fee is charged for  
21 access to the tanning equipment.

22 (c) "Operator" means a person designated by the tanning  
23 facility owner or tanning device lessee to operate or to assist  
24 and instruct in the operation and use of the tanning facility or  
25 tanning device.

26 (d) "Phototherapy device" means equipment that emits  
27 ultraviolet radiation and is used in the diagnosis or treatment of  
28 disease or injury.

29 (2) \* \* \* It shall be unlawful for a tanning facility or  
30 operator to allow any person who has not yet reached the age of  
31 eighteen (18) to use any tanning device.

32 (3) \* \* \* Any tanning facility or operator that allows a  
33 person under eighteen (18) years of age to use any tanning device  
34 shall be in violation of the rules and regulations of the State  
35 Department of Health and will subject the facility to the  
36 imposition of a civil penalty of not more than One Hundred Dollars  
37 (\$100.00) for the first offense and not more than Five Hundred  
38 Dollars (\$500.00) for any later offense.

39 (4) \* \* \* The operator shall require each person using a  
40 tanning device to provide a driver's license or other photo  
41 identification issued by a government entity or educational  
42 institution indicating that the person is at least eighteen (18)  
43 years of age.



44           (5) This section \* \* \* shall not apply to \* \* \* any  
45 physician who is duly licensed to practice medicine in this state  
46 and who, in the practice of medicine, uses a phototherapy device  
47 with respect to a patient of any age.

48           **SECTION 2.** This act shall take effect and be in force from  
49 and after July 1, 2017.

