

By: Representatives Byrd, Patterson

To: Public Health and Human
Services

HOUSE BILL NO. 1400

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 THE AGE OF 18; TO ASSESS A CIVIL PENALTY FOR
4 VIOLATIONS OF THIS SECTION; TO REQUIRE TANNING FACILITIES TO POST
5 A NOTICE DEVELOPED BY THE MISSISSIPPI STATE DEPARTMENT OF HEALTH
6 STATING IT IS UNLAWFUL FOR A TANNING FACILITY OWNER OR OPERATOR TO
7 ALLOW A PERSON UNDER THE AGE OF 18 TO USE ANY TANNING DEVICE; TO
8 REQUIRE TANNING FACILITIES TO POST A NOTICE DEVELOPED BY THE
9 MISSISSIPPI STATE DEPARTMENT OF HEALTH STATING THAT A TANNING
10 FACILITY OR OPERATOR THAT VIOLATES THIS SECTION IS SUBJECT TO A
11 CIVIL PENALTY; TO REQUIRE TANNING FACILITIES TO POST A NOTICE
12 DEVELOPED BY THE MISSISSIPPI STATE DEPARTMENT OF HEALTH STATING
13 THAT AN INDIVIDUAL MAY REPORT VIOLATIONS OF THIS SECTION TO THE
14 MISSISSIPPI STATE DEPARTMENT OF HEALTH STATING THE HEALTH RISKS
15 ASSOCIATED WITH TANNING; TO REQUIRE THE OPERATOR TO REQUIRE PHOTO
16 IDENTIFICATION INDICATING THAT THE PERSON USING A TANNING DEVICE
17 IS AT LEAST 18 YEARS OF AGE; AND FOR RELATED PURPOSES.

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

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

21 41-115-1. (1) As used in this section:

22 (a) "Tanning device" means any equipment that emits
23 radiation having wavelengths in the air between two hundred (200)
24 and four hundred (400) nanometers and that is used for tanning of
25 the skin, such as a sunlamp, tanning booth or tanning bed, and



includes any accompanying equipment, such as protective eyewear,
timers and handrails; * * *

(b) "Tanning facility" means any * * * location, place, area, structure or business that provides persons access to any tanning device, including tanning salons, health clubs, apartments and condominiums, regardless of whether a fee is charged for access to the tanning equipment;

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

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

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

(3) * * * Any tanning facility or operator that allows a person under eighteen (18) years of age to use any tanning device shall be in violation of the rules and regulations of the Mississippi State Department of Health and will subject the facility to denial, suspension or revocation of its registration and the imposition of a civil penalty of not more than One Hundred Dollars (\$100.00) for the first offense and not more than Five Hundred Dollars (\$500.00) for any subsequent offense.



51 (4) Each tanning facility owner, lessee or operator shall
52 post in a conspicuous place in each tanning facility that the
53 individual owns, leases or operates in the state a notice
54 developed by the Mississippi State Department of Health addressing
55 the following, and shall give to each of its customers a written
56 statement which must be signed by the customer before initial use
57 and each year thereafter:

58 (a) * * * That it is unlawful for a tanning facility or
59 operator to allow a person under the age of eighteen (18) to use
60 any tanning device;

61 (b) * * * That a tanning facility or operator that
62 violates the provisions of this section shall be subject to a
63 civil penalty;

64 (c) That an individual may report a violation of the
65 provisions of this section to the Mississippi State Department of
66 Health; and

67 (d) The health risks associated with tanning,
68 including, but not limited to, skin cancer, premature aging of
69 skin, burns to the skin, and adverse reactions to certain
70 medications, foods and cosmetics.

71 (5) The operator shall require each person using a tanning
72 device to provide a driver's license or other photo identification
73 issued by a government entity or educational institution
74 indicating that the person is at least eighteen (18) years of age.



75 (6) The owner, lessee or operator of a tanning facility
76 shall ensure that all of the following requirements are fulfilled:

77 (a) No customer under eighteen (18) years of age is
78 permitted to use the tanning facility. (Proof of age may be
79 satisfied with a driver's license or other government-issued
80 identification containing the date of birth and photograph of the
81 individual.)

82 (b) During operating hours there is present at the
83 tanning facility a trained operator who is able to inform
84 customers about, and assist customers in, the proper use of
85 tanning devices.

86 (c) Each tanning device is properly sanitized after
87 each use.

88 (d) Each customer, before he or she begins to use a
89 tanning device, is provided with properly sanitized and securely
90 fitting protective eyewear that protects the wearer's eyes from
91 ultraviolet radiation and allows enough vision to maintain balance
92 at no cost.

93 (e) Customers are not allowed to use a tanning device
94 unless the customer uses protective eyewear.

95 (f) Each customer is shown how to use such physical
96 aids as handrails and markings on the floor to maintain a proper
97 exposure distance from the tanning device as recommended by the
98 manufacturer.



99 (g) A timing device that is accurate within ten percent
100 (10%) of any selected timer interval is used and is remotely
101 located so customers cannot set their own exposure time.

102 (h) Each tanning device is equipped with a mechanism
103 that allows the customer to turn the tanning device off.

104 (i) Each customer is limited to the maximum exposure
105 time recommended by the manufacturer for their skin type.

106 (j) Customers are not allowed to use a tanning device
107 more than once every twenty-four (24) hours.

108 (k) The interior temperature of the tanning facility
109 does not exceed one hundred (100) degrees Fahrenheit.

110 (l) Maintain the following records: copies of all
111 consent forms issued by customers; a record of each consumer's
112 total number of tanning visits at the facility; the dates and
113 durations of tanning exposures; and any injury reports for a
114 period of three (3) years after exposure for each customer.

115 (7) No person may use a tanning device of a tanning facility
116 unless he or she complies with all of the following:

117 (a) Immediately before the customer's first use of a
118 unique tanning facility in a year, sign a statement acknowledging
119 that he or she has read and understands the notice and the warning
120 sign required under this section, and specifying that the customer
121 agrees to use protective eyewear.

122 (b) Use protective eyewear at all times while using a
123 tanning device.



124 (* * *8) This section * * * shall not apply to * * * any
125 physician who is duly licensed to practice medicine in this state
126 and who, in the practice of medicine, uses a phototherapy device
127 with respect to a patient of any age.

128 **SECTION 2.** This act shall take effect and be in force from
129 and after July 1, 2018.

