

By: Representative Byrd

To: Public Health and Human  
Services

## HOUSE BILL NO. 635

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 PERSONS UNDER THE AGE OF 18 YEARS; TO PROVIDE FOR IMPOSITION OF A  
4 CIVIL PENALTY FOR VIOLATIONS OF THIS SECTION; TO REQUIRE TANNING  
5 FACILITIES TO POST A NOTICE DEVELOPED BY THE STATE DEPARTMENT OF  
6 HEALTH STATING THAT IT IS UNLAWFUL FOR A TANNING FACILITY OR  
7 OPERATOR TO ALLOW A PERSON UNDER THE AGE OF 18 YEARS TO USE ANY  
8 TANNING DEVICE; TO REQUIRE TANNING FACILITIES TO POST A NOTICE  
9 DEVELOPED BY THE 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 STATE DEPARTMENT OF HEALTH STATING THAT AN  
13 INDIVIDUAL MAY REPORT VIOLATIONS OF THIS SECTION TO THE STATE  
14 DEPARTMENT OF HEALTH AND STATING THE HEALTH RISKS ASSOCIATED WITH  
15 TANNING; TO REQUIRE THE OPERATOR TO REQUIRE PHOTO IDENTIFICATION  
16 INDICATING THAT THE PERSON USING A TANNING DEVICE IS AT LEAST 18  
17 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) years 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 this section, which shall 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.



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

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

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

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

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

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

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



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

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

84           (c) Each tanning device is properly sanitized after  
85 each use;

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

91           (e) Customers are not allowed to use a tanning device  
92 unless the customer uses protective eyewear;

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

97           (g) A timing device that is accurate within ten percent  
98 (10%) of any selected timer interval is used and is remotely  
99 located so customers cannot set their own exposure time;



100           (h) Each tanning device is equipped with a mechanism  
101 that allows the customer to turn the tanning device off;

102           (i) Each customer is limited to the maximum exposure  
103 time recommended by the manufacturer for their skin type;

104           (j) Customers are not allowed to use a tanning device  
105 more than once every twenty-four (24) hours;

106           (k) The interior temperature of the tanning facility  
107 does not exceed one hundred (100) degrees Fahrenheit; and

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

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

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

120           (b) Use protective eyewear at all times while using a  
121 tanning device.

122           ( \* \* \*8) This section \* \* \* shall not apply to \* \* \* any  
123 physician who is duly licensed to practice medicine in this state



124 and who, in the practice of medicine, uses a phototherapy device  
125 with respect to a patient of any age.

126       **SECTION 2.** This act shall take effect and be in force from  
127 and after July 1, 2021.

