

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2735

1 AN ACT TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING
2 FACILITIES BY CHILDREN UNDER AGE 14; TO PROHIBIT THE USE OF
3 TANNING DEVICES AT TANNING FACILITIES BY CHILDREN BETWEEN THE AGES
4 OF 14 AND 18 UNLESS THE CHILD'S PARENT OR LEGAL GUARDIAN HAS GIVEN
5 WRITTEN CONSENT TO THE TANNING FACILITY; TO REQUIRE THE PARENT OR
6 GUARDIAN TO SIGN THE CONSENT FORM IN THE PRESENCE OF THE OPERATOR
7 OF THE TANNING FACILITY; TO PROVIDE THAT THE CONSENT IS VALID FOR
8 30 DAYS FROM THE DATE OF SIGNATURE; TO REQUIRE THE PARENT OR
9 GUARDIAN TO SPECIFY THE MAXIMUM NUMBER OF TIMES THAT THE CHILD MAY
10 USE A TANNING DEVICE AT THE TANNING FACILITY DURING THE THIRTY-DAY
11 PERIOD; TO REQUIRE ADDITIONAL WRITTEN CONSENT FOR THE CHILD TO USE
12 A TANNING DEVICE AT A TANNING FACILITY AFTER THE EXPIRATION OF THE
13 THIRTY-DAY PERIOD; TO REQUIRE TANNING FACILITIES TO MAINTAIN THE
14 CONSENT FORMS AND CERTAIN RECORDS REGARDING THE USE OF TANNING
15 DEVICES AT THE TANNING FACILITIES BY THOSE CHILDREN; TO PROVIDE
16 CRIMINAL AND CIVIL PENALTIES FOR TANNING FACILITIES THAT VIOLATE
17 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

35 date of birth and a photograph of the child. The parent or
36 guardian shall sign the consent form in the presence of the
37 operator of the tanning facility, and that consent is valid for
38 thirty (30) days from the date of signature. The parent or
39 guardian shall state on the consent form his or her relationship
40 with the child and the age of the child, and shall specify the
41 maximum number of times that the child may use a tanning device at
42 the tanning facility during the thirty-day period. After the
43 expiration of the thirty-day period, the child shall not use a
44 tanning device at a tanning facility until the child's parent or
45 legal guardian has provided additional written consent in
46 accordance with the requirements of this subsection.

47 (3) Each tanning facility shall:

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

52 (b) Make written records showing the dates and duration
53 of use of a tanning device at the tanning facility by children
54 fourteen (14) years of age or older but under eighteen (18) years
55 of age, maintain those records for a period of not less than two
56 (2) years, and make the records available to law enforcement
57 personnel for inspection upon request.

58 (4) A tanning facility that allows a child to use a tanning
59 device at the tanning facility in violation of the provisions of
60 this section, or fails to make and maintain the records required
61 by this section, or knowingly makes false entries in those
62 records, is guilty of a misdemeanor and, upon conviction thereof,
63 shall be fined not less than Two Hundred Dollars (\$200.00) nor
64 more than One Thousand Dollars (\$1,000.00). In addition, a
65 tanning facility that allows a person to use a tanning device at
66 the tanning facility in violation of the provisions of this
67 section is liable for a civil penalty of One Thousand Dollars

68 (\$1,000.00) per incident, which may be recovered in any court of
69 competent jurisdiction by the parent or legal guardian of the
70 child that the tanning facility allowed to use the tanning device
71 in violation of this section.

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

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2005.