

CHAPTER 103**(HB 151)**

AN ACT relating to indoor tanning devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act, unless the context requires otherwise:

- (1) *"Cabinet" means the Cabinet for Health and Family Services;*
- (2) *"Tanning device" means any equipment that emits radiation used for tanning of the skin, such as a sun lamp, tanning booth or tanning bed, and includes any accompanying equipment, such as protective eyewear, timers, and handrails; and*
- (3) *"Tanning facility" means any place where a tanning device is used for a fee, membership dues, or other compensation.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

- (1) *Before any person who has reached his or her fourteenth birthday and has not passed his or her eighteenth birthday uses a tanning device, he or she shall give the tanning facility a statement, signed by his or her parent or legal guardian, stating that the parent or legal guardian has read and understood the warnings given by the tanning facility, and that they consent to the minor's use of the tanning device and agree that the minor will use protective eye wear. This parental consent is valid for one (1) calendar year.*
- (2) *A person under the age of fourteen (14) shall be accompanied by a parent or legal guardian when using a tanning device.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

- (1) *A tanning facility shall give each customer a written statement pursuant to 21 CFR 1040.20. The written statement shall include warnings stating that:*
 - (a) *Failure to use eye protection provided to the customer by the tanning facility may result in damage to the eyes;*
 - (b) *Overexposure to ultraviolet light causes burns;*
 - (c) *Repeated exposure may result in premature aging of the skin and skin cancer;*
 - (d) *Abnormal skin sensitivity or burning may be caused by reactions of the following to ultraviolet light:*
 1. *Food;*
 2. *Cosmetics; or*
 3. *Medications including, but not limited to:*
 - a. *Tranquilizers;*
 - b. *Diuretics;*
 - c. *Antibiotics;*
 - d. *High blood pressure medicines; or*
 - e. *Birth control pills.*
 - (e) *Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.*
- (2) *Each tanning facility shall;*
 - (a) *Maintain the written or electronic consent forms of the parents or guardians for a period of not less than two (2) years, and make the forms available to cabinet personnel for inspection upon request; and*

- (b) *Make written or electronic records showing the dates and duration of use of a tanning device at the tanning facility by children fourteen (14) years of age to eighteen (18) years of age, and maintain those records for a period of not less than two (2) years, and make the records available for cabinet or health department personnel for inspection upon request.*
- (3) *Before July 1, 2007, all indoor tanning facilities shall register with the local health department in the district or county in which the facility is operating. Registration shall be valid for one (1) year and applicants shall pay a fee of twenty dollars (\$20) to the district or county health department.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

The cabinet shall promulgate administrative regulations as follows:

- (1) *Develop a strategy to monitor compliance with 21 CFR 1040.20;*
- (2) *Develop forms to assist tanning facilities with record keeping regarding parental consent, frequency of use by children fourteen (14) to eighteen (18) years of age, and other forms as needed to implement Sections 1 to 5 of this Act; and*
- (3) *Create penalties for violating provisions of Sections 1 to 5 of this Act.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

Any administrative hearing conducted under Sections 1 to 5 of this Act shall be conducted in accordance with KRS Chapter 13B.

Approved March 30, 2006