

AN ACT relating to minor users of tanning beds.

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

➔Section 1. KRS 217.920 is amended to read as follows:

As used in KRS 217.920 to 217.928, unless the context requires otherwise:

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) **"Phototherapy device" means equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury;**
- (3) "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
- ~~(4)~~~~(3)~~ "Tanning facility" means any place where a tanning device is used for a fee, membership dues, or other compensation.

➔Section 2. KRS 217.922 is amended to read as follows:

~~[(1)]~~~~1~~ ~~Before any~~ person who has ~~reached his or her fourteenth birthday and has~~ not passed his or her eighteenth birthday **shall not use a tanning device at a tanning facility, except that a licensed physician, in the practice of medicine, may use or prescribe that a phototherapy device be used with respect to a patient of any age** ~~[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 eyewear. 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. KRS 217.924 is amended to read as follows:

- (1) A tanning facility shall give each customer a written statement pursuant to 21 C.F.R. 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, 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.