

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS85138-LN-34 (2/11)

Short Title: Tanning Salons/Restrictions on Use. (Public)

Sponsors: Senator Forrester.

Referred to:

A BILL TO BE ENTITLED

AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF  
TANNING FACILITIES AND EQUIPMENT.

Whereas, on an average day in the United States, more than one million people visit indoor tanning salons for the purpose of tanning the skin; and

Whereas, studies have found that indoor tanning may be just as harmful to the skin as outdoor sun exposure; and

Whereas, most indoor tanning salon bulbs provide a significant amount of UVA and UVB radiation, both types of which are found in the outdoor sun and cause various types of damage to the skin that may lead to skin cancer; and

Whereas, past studies have suggested that tanning beds contribute to the incidence of melanoma, and a recent study in the Journal of the National Cancer Institute indicates that the use of tanning devices may also contribute to the incidence of nonmelanoma skin cancers; and

Whereas, dermatologists across the country are alarmed with the number of teenagers and young adults who continue to patronize tanning salons regardless of studies reporting the link between sun exposure and a wide array of skin cancers; and

Whereas, the Centers for Disease Control and Prevention reports an estimated 700 emergency department visits per year related to tanning salon exposure; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

**SECTION 1.** Chapter 104E of the General Statutes is amended by adding the following new section to read:

**§ 104E-109.1. Restrictions on use and operation of tanning equipment.**

(a) The operator of a tanning facility subject to regulations adopted pursuant to this Chapter shall comply with the following:

- 1           (1) Provide to each consumer a warning statement that defines the  
2           potential hazards and consequences of exposure to ultraviolet  
3           radiation. The consumer shall be required to sign the warning  
4           statement acknowledging receipt of the warning before initial use of  
5           the tanning equipment.
- 6           (2) The operator shall not allow a person younger than the age of 13 years  
7           to use a tanning device unless:
- 8           a. The facility receives written permission from the person's  
9           physician allowing the person to use the tanning device, and  
10          b. The person's parent or legal guardian remains at the tanning  
11          facility while the person uses the tanning device.
- 12          (3) Before any person 16 or 17 years of age uses a tanning facility device  
13          for the first time, the person must give the tanning facility operator a  
14          written informed consent statement signed and dated by the person's  
15          parent or legal guardian stating that the parent or legal guardian has  
16          read and understands the warnings given by the tanning facility,  
17          consents to the minor's use of the tanning device, and agrees that the  
18          minor will use protective eyewear. In addition, a person 13, 14, or 15  
19          years of age must be accompanied by a parent or legal guardian who  
20          must remain at the tanning facility while the person uses the tanning  
21          device.
- 22          (4) A tanning facility operator may not claim or distribute promotional  
23          materials that claim that using a tanning device is safe or free from risk  
24          or that using a tanning device will result in medical or health benefits.
- 25          (b) The Commission may adopt and the Department shall enforce rules to  
26          implement this section. The requirements of this section are in addition to other  
27          regulatory requirements adopted pursuant to this Chapter that are applicable to tanning  
28          facilities and do not conflict with this section.
- 29          (c) As used in this section, unless the context requires otherwise, the term:
- 30          (1) 'Consumer' means any individual who is provided access to a tanning  
31          facility that is subject to registration and regulation under this Chapter.
- 32          (2) 'Tanning facility' means any location, place, area, structure, or business  
33          that provides consumers access to tanning equipment.
- 34          (3) 'Tanning equipment' means ultraviolet or other lamps and equipment  
35          containing such lamps intended to induce skin tanning through the  
36          irradiation of any part of the living human body with ultraviolet  
37          radiation."

38          **SECTION 2.** This act becomes effective October 1, 2003.