

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-157
SENATE BILL 657**

AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004.

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,

The General Assembly of North Carolina enacts:

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

§ 104E-9.1. Restrictions on use and operation of tanning equipment.

(a) Operators of tanning equipment and owners of tanning facilities subject to rules adopted pursuant to this Chapter shall comply with or ensure compliance with the following:

- (1) The operator shall provide to each consumer a warning statement that defines the potential hazards and consequences of exposure to ultraviolet radiation. Before allowing the consumer's initial use of the tanning equipment, the operator shall obtain the signature of the

consumer on the warning statement acknowledging receipt of the warning.

- (2) The operator shall not allow a person 13 years and younger to use tanning equipment without a written prescription from the person's medical physician specifying the nature of the medical condition requiring the treatment, the number of visits, and the time of exposure for each visit.
- (3) Neither an operator nor an owner shall claim or distribute promotional materials that claim that using tanning equipment is safe or free from risk or that using tanning equipment will result in medical or health benefits.

(b) The Commission may adopt, and the Department shall enforce, rules to implement this section. The requirements of this section are in addition to other rules adopted pursuant to this Chapter that are applicable to tanning facilities and do not conflict with this section.

(c) As used in this section, unless the context requires otherwise, the term:

- (1) 'Consumer' means any individual who is provided access to a tanning facility that is subject to registration and regulation under this Chapter.
- (2) 'Tanning facility' means any location, place, area, structure, or business that provides consumers access to tanning equipment. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at separate locations, shall constitute separate tanning facilities.
- (3) 'Tanning equipment' means ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation."

SECTION 2. This act becomes effective October 1, 2004.

In the General Assembly read three times and ratified this the 18th day of July, 2004.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:36 p.m. this 2nd day of August, 2004