

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0536.01 Christy Chase x2008

HOUSE BILL 12-1170

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HOUSE SPONSORSHIP

Peniston, Fields, Massey, Soper

SENATE SPONSORSHIP

(None),

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House Committees

Economic and Business Development

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING RESTRICTING ACCESS BY MINORS TO ARTIFICIAL  
102 TANNING DEVICES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires parental consent for minors under 18 years of age to use an artificial tanning device on and after July 1, 2012. For minors under 14 years of age, the parent must remain on-site at all times while the minor is using an artificial tanning device. A consent form is valid for 6 months unless the parent withdraws his or her consent.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The department of public health and environment is to develop a consent form that details the health risks associated with the use of artificial tanning devices. Owners, operators, and employees of artificial tanning devices are subject to penalties of up to \$200 per day for failing to comply with the requirements of the bill.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-5-1007, **add** (8)  
3 as follows:

4 **25-5-1007. Owner responsibilities - limit access by minors -**  
5 **rules.** (8) (a) ON AND AFTER JULY 1, 2012, AN OWNER, EMPLOYEE, OR  
6 OPERATOR OF AN ARTIFICIAL TANNING DEVICE OR TANNING FACILITY  
7 SHALL NOT ALLOW A PERSON UNDER EIGHTEEN YEARS OF AGE TO USE AN  
8 ARTIFICIAL TANNING DEVICE UNLESS:

9 (I) THE PERSON HAS A WRITTEN PRESCRIPTION FROM A PHYSICIAN  
10 AUTHORIZING THE USE OF THE ARTIFICIAL TANNING DEVICE; OR

11 (II) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL  
12 GUARDIAN WHO SIGNS A WRITTEN CONSENT FORM PROVIDED BY THE  
13 OWNER, EMPLOYEE, OR OPERATOR THAT DETAILS THE POTENTIAL SAFETY  
14 AND HEALTH RISKS ASSOCIATED WITH THE USE OF ARTIFICIAL TANNING  
15 DEVICES. ONCE A PARENT OR LEGAL GUARDIAN SIGNS A WRITTEN CONSENT  
16 FORM FOR A PERSON WHO IS FOURTEEN YEARS OF AGE OR OLDER BUT  
17 UNDER EIGHTEEN YEARS OF AGE, THE PARENT OR LEGAL GUARDIAN NEED  
18 NOT ACCOMPANY THE PERSON AS LONG AS THE CONSENT FORM IS CURRENT  
19 AND VALID AND THE PARENT OR LEGAL GUARDIAN HAS NOT WITHDRAWN  
20 HIS OR HER CONSENT IN WRITING AND NOTIFIED THE OWNER, EMPLOYEE,  
21 OR OPERATOR THAT THE CONSENT IS WITHDRAWN. IF THE PERSON IS  
22 UNDER FOURTEEN YEARS OR AGE, THE OWNER, EMPLOYEE, OR OPERATOR  
23 SHALL NOT ALLOW THE PERSON TO USE AN ARTIFICIAL TANNING DEVICE

1 UNLESS THE CONSENTING PARENT OR LEGAL GUARDIAN REMAINS ON THE  
2 FACILITY PREMISES WHILE THE PERSON IS USING THE ARTIFICIAL TANNING  
3 DEVICE.

4 (b) THE DEPARTMENT SHALL DEVELOP A STANDARD FORM TO BE  
5 USED BY THE PARENT OR LEGAL GUARDIAN OF A PERSON UNDER EIGHTEEN  
6 YEARS OF AGE SEEKING TO USE AN ARTIFICIAL TANNING DEVICE TO  
7 ACKNOWLEDGE THE RISKS ASSOCIATED WITH THE USE OF AN ARTIFICIAL  
8 TANNING DEVICE AND TO CONSENT TO SUCH USE BY THE PERSON UNDER  
9 EIGHTEEN YEARS OF AGE. THE FORM MUST CONTAIN A CONCISE LIST OF  
10 THE RISKS OF USING AN ARTIFICIAL TANNING DEVICE AND AN  
11 ACKNOWLEDGMENT OF THE RISKS AND AFFIDAVIT OF CONSENT TO BE  
12 SIGNED BY THE PARENT OR LEGAL GUARDIAN. THE DEPARTMENT SHALL  
13 MAKE THE STANDARD FORM AVAILABLE ON ITS WEB SITE AND SHALL  
14 ALLOW THE FORM TO BE DOWNLOADED FROM ITS WEB SITE AT NO CHARGE.  
15 A SIGNED CONSENT FORM IS VALID FOR SIX MONTHS UNLESS THE  
16 CONSENTING PARENT OR LEGAL GUARDIAN WITHDRAWS HIS OR HER  
17 CONSENT. A PARENT OR LEGAL GUARDIAN CAN WITHDRAW HIS OR HER  
18 CONSENT AT ANY TIME, IN WHICH CASE THE OWNER, EMPLOYEE, OR  
19 OPERATOR SHALL NOT ALLOW THE PERSON UNDER EIGHTEEN YEARS OF  
20 AGE FOR WHOM THE CONSENT WAS WITHDRAWN TO USE AN ARTIFICIAL  
21 TANNING DEVICE.

22 (c) THE OWNER, EMPLOYEE, OR OPERATOR SHALL REQUIRE  
23 APPROPRIATE DOCUMENTATION, AS DETERMINED BY THE DEPARTMENT,  
24 VERIFYING THE AGE OF A PERSON SEEKING ACCESS TO AN ARTIFICIAL  
25 TANNING DEVICE AND SHALL RETAIN ON FILE AT THE FACILITY AND MAKE  
26 AVAILABLE TO THE DEPARTMENT UPON REQUEST ANY SIGNED CONSENT  
27 FORMS FOR PERSONS UNDER EIGHTEEN YEARS OF AGE THAT THE OWNER,

1 EMPLOYEE, OR OPERATOR HAS RECEIVED.

2 (d) AN OWNER, EMPLOYEE, OR OPERATOR WHO FAILS TO COMPLY  
3 WITH THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO PENALTIES  
4 PURSUANT TO SECTION 25-5-1009 FOR EACH INCIDENT OF  
5 NONCOMPLIANCE.

6 (e) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
7 THIS SUBSECTION (8).

8 (f) FOR PURPOSES OF THIS SUBSECTION (8), "MINOR" DOES NOT  
9 INCLUDE AN EMANCIPATED MINOR, AS DEFINED IN SECTION 13-21-107.5  
10 (1) (a), C.R.S.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.