

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 13-0443.01 Christy Chase x2008

**HOUSE BILL 13-1215**

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**HOUSE SPONSORSHIP**

**Peniston,** Court, Fields, Labuda, McCann, Singer, Young

**SENATE SPONSORSHIP**

**Tochtrop,**

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**House Committees**

Business, Labor, Economic, & Workforce Development  
Health, Insurance & Environment

**Senate Committees**

Health & Human Services

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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.>)*

Effective July 1, 2013, the bill:

- ! Prohibits the use of artificial tanning devices by minors under 15 years of age unless the use is prescribed by a physician; and
- ! Requires a signed parental consent form or physician

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.*

SENATE  
3rd Reading Unamended  
April 30, 2013

SENATE  
Amended 2nd Reading  
April 29, 2013

HOUSE  
3rd Reading Unamended  
March 27, 2013

HOUSE  
Amended 2nd Reading  
March 26, 2013

prescription for minors 15 years of age or older but under 18 years of age to use an artificial tanning device.

A parental consent form is valid for 6 months unless the parent withdraws his or her consent.

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 for each failure 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) EFFECTIVE JULY 1, 2013, AN OWNER, EMPLOYEE, OR  
6 OPERATOR OF AN ARTIFICIAL TANNING DEVICE OR TANNING FACILITY  
7 SHALL NOT ALLOW A MINOR WHO IS UNDER FIFTEEN YEARS OF AGE TO USE  
8 AN ARTIFICIAL TANNING DEVICE UNLESS THE MINOR HAS A WRITTEN  
9 PRESCRIPTION FROM A PHYSICIAN AUTHORIZING THE USE OF THE  
10 ARTIFICIAL TANNING DEVICE.

11 (b) ON AND AFTER JULY 1, 2013, AN OWNER, EMPLOYEE, OR  
12 OPERATOR OF AN ARTIFICIAL TANNING DEVICE OR TANNING FACILITY  
13 SHALL NOT ALLOW A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER BUT  
14 UNDER EIGHTEEN YEARS OF AGE TO USE AN ARTIFICIAL TANNING DEVICE  
15 UNLESS:

16 (I) THE MINOR HAS A WRITTEN PRESCRIPTION FROM A PHYSICIAN  
17 AUTHORIZING THE USE OF THE ARTIFICIAL TANNING DEVICE; OR

18 (II) (A) THE MINOR IS ACCOMPANIED BY A PARENT OR LEGAL  
19 GUARDIAN WHO SIGNS A WRITTEN CONSENT FORM PROVIDED BY THE  
20 OWNER, EMPLOYEE, OR OPERATOR THAT DETAILS THE POTENTIAL SAFETY

1 AND HEALTH RISKS ASSOCIATED WITH THE USE OF ARTIFICIAL TANNING  
2 DEVICES.

3 (B) ONCE A PARENT OR LEGAL GUARDIAN SIGNS A WRITTEN  
4 CONSENT FORM FOR A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER BUT  
5 UNDER EIGHTEEN YEARS OF AGE, THE PARENT OR LEGAL GUARDIAN NEED  
6 NOT ACCOMPANY THE MINOR AS LONG AS THE CONSENT FORM IS CURRENT  
7 AND VALID AND THE PARENT OR LEGAL GUARDIAN HAS NOT WITHDRAWN  
8 HIS OR HER CONSENT IN WRITING AND NOTIFIED THE OWNER, EMPLOYEE,  
9 OR OPERATOR THAT THE CONSENT IS WITHDRAWN.

10 (c) (I) THE DEPARTMENT SHALL DEVELOP A STANDARD FORM TO  
11 BE USED BY THE PARENT OR LEGAL GUARDIAN OF A MINOR FIFTEEN YEARS  
12 OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE SEEKING TO USE AN  
13 ARTIFICIAL TANNING DEVICE TO ACKNOWLEDGE THE RISKS ASSOCIATED  
14 WITH THE USE OF AN ARTIFICIAL TANNING DEVICE AND TO CONSENT TO  
15 SUCH USE BY THE MINOR. THE FORM MUST CONTAIN A CONCISE LIST, IN  
16 SIXTEEN-POINT, BOLD-FACED TYPE, OF THE RISKS OF USING AN ARTIFICIAL  
17 TANNING DEVICE, AN ACKNOWLEDGMENT OF THE RISKS, AND AN  
18 AFFIDAVIT OF CONSENT TO BE SIGNED BY THE PARENT OR LEGAL  
19 GUARDIAN. THE DEPARTMENT SHALL MAKE THE STANDARD FORM  
20 AVAILABLE ON ITS WEB SITE AND SHALL ALLOW THE FORM TO BE  
21 DOWNLOADED FROM ITS WEB SITE AT NO CHARGE.

22 (II) A SIGNED CONSENT FORM IS VALID UNTIL THE CONSENTING  
23 PARENT OR LEGAL GUARDIAN WITHDRAWS HIS OR HER CONSENT. A PARENT  
24 OR LEGAL GUARDIAN CAN WITHDRAW HIS OR HER CONSENT AT ANY TIME  
25 AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF  
26 PARAGRAPH (b) OF THIS SUBSECTION (8), IN WHICH CASE THE OWNER,  
27 EMPLOYEE, OR OPERATOR SHALL NOT ALLOW THE MINOR FOR WHOM THE

1 CONSENT WAS WITHDRAWN TO USE AN ARTIFICIAL TANNING DEVICE.

2 (d) THE OWNER, EMPLOYEE, OR OPERATOR SHALL REQUIRE  
3 APPROPRIATE DOCUMENTATION, AS DETERMINED BY THE DEPARTMENT,  
4 VERIFYING THE AGE OF A PERSON SEEKING ACCESS TO AN ARTIFICIAL  
5 TANNING DEVICE AND SHALL RETAIN ON FILE AT THE FACILITY, AND MAKE  
6 AVAILABLE TO THE DEPARTMENT UPON REQUEST, ANY SIGNED CONSENT  
7 FORMS FOR MINORS FIFTEEN YEARS OF AGE OR OLDER BUT UNDER  
8 EIGHTEEN YEARS OF AGE THAT THE OWNER, EMPLOYEE, OR OPERATOR HAS  
9 RECEIVED.

10 (e) AN OWNER OR OPERATOR WHO FAILS TO COMPLY WITH THE  
11 REQUIREMENTS OF THIS SECTION IS SUBJECT TO PENALTIES PURSUANT TO  
12 SECTION 25-5-1009 FOR EACH INCIDENT OF NONCOMPLIANCE.

13 (f) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
14 THIS SUBSECTION (8).

15 (g) FOR PURPOSES OF THIS SUBSECTION (8):

16 (I) "MINOR" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE  
17 AND DOES NOT INCLUDE AN EMANCIPATED MINOR, AS DEFINED IN SECTION  
18 13-21-107.5 (1) (a), C.R.S.; AND

19 (II) "OPERATOR" MEANS THE PERSON RESPONSIBLE FOR OPERATING  
20 AND MANAGING A TANNING FACILITY BUSINESS ON BEHALF OF THE OWNER  
21 OF THE TANNING FACILITY.

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