

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 486, As Amended, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MINORS; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 18-1524, IDAHO CODE, TO DEFINE TERMS, TO PRO-
3 HIBIT THE USE OF A TANNING DEVICE OR ULTRAVIOLET TANNING DEVICE ON MI-
4 NORS FIFTEEN YEARS OF AGE OR YOUNGER, TO PROHIBIT THE USE OF A TANNING
5 DEVICE OR ULTRAVIOLET TANNING DEVICE ON MINORS BETWEEN THE AGES OF SIX-
6 TEEN AND EIGHTEEN, TO PROVIDE FOR EXCEPTIONS AND PARENTAL CONSENT, TO
7 PROVIDE FOR LIMITS ON THE USE OF A TANNING DEVICE FOR A MINOR EXEMPT FROM
8 THIS SECTION, TO PROVIDE FOR PROOF OF AGE VERIFICATION, TO PROHIBIT MI-
9 NORS FROM PROVIDING FALSE INFORMATION, TO PROHIBIT AN OWNER OR EMPLOYEE
10 FROM CLAIMING OR ADVERTISING THAT A TANNING DEVICE IS FREE FROM RISK, TO
11 PROVIDE FOR WARNING SIGNS, TO PROVIDE FOR PENALTIES AND TO PROVIDE SCOPE
12 FOR LOCAL GOVERNMENTS.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 18-1524, Idaho Code, and to read as follows:

18 18-1524. USING TANNING BEDS OR SIMILAR DEVICES OR MACHINES BY MI-
19 NORS. (1) As used in this section:

20 (a) "Tanning device" means an ultraviolet tanning device.

21 (b) "Ultraviolet tanning device" means equipment that emits elec-
22 tromagnetic radiation with wavelengths in the air between two hundred
23 (200) and four hundred (400) nanometers used for tanning of the skin
24 including, but not limited to, a sunlamp, tanning booth or tanning bed.

25 (c) "Tanning device" and "ultraviolet tanning device" shall not in-
26 clude:

27 (i) Devices for personal use in a private residence; or

28 (ii) Devices used to apply chemicals to the skin to achieve a
29 bronze color, commonly referred to as spray-on, mist-on or sunless
30 tans.

31 (2) No person age fifteen (15) years or younger may use a tanning device
32 or ultraviolet tanning device unless such use is authorized by prescription
33 from a licensed medical provider to treat an underlying medical condition.
34 Additionally, no person shall use a tanning device or ultraviolet tanning
35 device on a person fifteen (15) years of age or younger unless medical con-
36 sent via a prescription is provided.

37 (3) No person between sixteen (16) and eighteen (18) years of age may
38 use a tanning device or ultraviolet tanning device unless such person's par-
39 ent or legal guardian provides in-person consent or such person has autho-
40 rization via prescription from a licensed medical provider to use a tanning
41 device to treat an underlying medical condition. For purposes of this sub-
42 section, "consent" means that a parent or legal guardian of a person between

1 sixteen (16) and eighteen (18) years of age appears in person at the time of
2 such person's initial use of an ultraviolet tanning device and signs a writ-
3 ten consent form in the presence of the owner or an employee of the tanning
4 facility. The person's parent or legal guardian may withdraw consent at any
5 time. Unless so withdrawn, consent shall be valid for twelve (12) months
6 from the date the written consent form is signed and must be renewed annu-
7 ally in accordance with the provisions of this subsection. The written con-
8 sent form required by this subsection shall state that the parent or legal
9 guardian has read and understands the warnings given by the tanning facil-
10 ity, consents to the person's use of an ultraviolet tanning device and agrees
11 that the person will use protective eyewear provided by the tanning facil-
12 ity. The written consent form described in this subsection shall be on paper
13 with dimensions not less than eight and one-half (8.5) inches by eleven (11)
14 inches and be clear, legible and include the following provisions:

15 (a) "DANGER -- ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO
16 CAUSE CANCER IN HUMANS" in letters at least one-half (.5) of an inch high
17 within five (5) inches of, and on the same page as, the parent or legal
18 guardian's signature; and

19 (b) "Exposure to ultraviolet radiation may cause skin cancer, includ-
20 ing potentially fatal melanoma, as well as serious eye and skin injury
21 including, but not limited to, wrinkling, dryness, fragility and bruising
22 of the skin."

23 (4) Any person under the age of eighteen (18) years authorized to use
24 an ultraviolet tanning device pursuant to this section shall be limited to
25 no more than three (3) uses of ultraviolet tanning devices per week and not
26 more than one (1) use within a twenty-four (24) hour period, unless a parent
27 or legal guardian of such person provides for stricter limits by setting such
28 limits on the consent form required in subsection (3) of this section. The
29 parent or legal guardian of a person under the age of eighteen (18) years may
30 also limit the total number of uses of an ultraviolet tanning device for the
31 next ensuing twelve (12) month period by setting such limits on the consent
32 form.

33 (5) Proof of age shall be verified for any person under the age of eigh-
34 teen (18) years by the owner or employee of a tanning facility. Proof of age
35 shall be satisfied with government issued identification or a government is-
36 sued document containing the date of birth of the individual including, but
37 not limited to, a driver's license, passport or birth certificate.

38 (6) It shall be unlawful for a minor to provide false identification or
39 make any false statement regarding his age in an attempt to use an ultravio-
40 let tanning device.

41 (7) An owner or employee of a tanning facility shall not make verbal
42 claims or advertise or distribute promotional materials that claim in any
43 way that a tanning device is safe or free from risk.

44 (8) Any tanning facility with one (1) or more patrons under eighteen
45 (18) years of age shall post a warning sign in a place readily visible to per-
46 sons entering the establishment. The sign shall have dimensions not less
47 than eight and one-half (8.5) inches by eleven (11) inches. Lettering must
48 be clear and legible with the following provisions:

49 (a) "DANGER" in orange or red letters at least two (2) inches in height,
50 followed by "ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO

1 CAUSE CANCER IN HUMANS" in letters at least sixty-six hundredths (.66)
2 of an inch in height; and

3 (b) "Exposure to ultraviolet radiation may cause skin cancer, includ-
4 ing potentially fatal melanoma, as well as serious eye and skin injury
5 including, but not limited to, wrinkling, dryness, fragility and bruising
6 of the skin." in letters at least one-quarter (.25) of an inch in
7 height.

8 The sign required pursuant to this subsection shall also be posted within
9 three (3) feet of each tanning device and in a location that is readily vis-
10 ible to a person about to use the device. The liability of a tanning facil-
11 ity owner or a manufacturer of an ultraviolet tanning device shall not be af-
12 fected by posting the signs described in this subsection.

13 (9) A person who violates this section is guilty of a misdemeanor and
14 shall be fined not more than one hundred dollars (\$100). If there is a subse-
15 quent violation of this section within one (1) year of the initial violation,
16 such person shall be fined three hundred dollars (\$300). For all other sub-
17 sequent violations, such person shall be fined not less than three hundred
18 dollars (\$300) and not more than one thousand dollars (\$1,000). Provided
19 however:

20 (a) An employee shall not be in violation of this section if such em-
21 ployee, prior to allowing a minor to use an ultraviolet tanning device,
22 requested, examined and reasonably relied upon identification from a
23 minor falsely stating such minor's age as at least eighteen (18) years
24 of age;

25 (b) No violation shall occur if valid parental consent is obtained and
26 maintained on file as described in subsection (3) of this section; and

27 (c) An owner of a tanning facility shall not be in violation of this
28 section if such owner can show that an employee believed to be in vio-
29 lation was trained to understand the provisions of this section. Proof
30 of training may be satisfied by a form to be kept on file by the owner,
31 signed by the employee stating that the employee understands the age re-
32 strictions in this section. If no such training is in place, the owner
33 shall be fined in accordance with this subsection.

34 (10) Nothing in this section shall be construed to prohibit local units
35 of government from passing ordinances which are more stringent than the pro-
36 visions of this section.