

1 AN ACT relating to minor users of tanning beds.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.920 is amended to read as follows:

4 As used in KRS 217.920 to 217.928, unless the context requires otherwise:

5 (1) "Cabinet" means the Cabinet for Health and Family Services;

6 (2) **"Phototherapy device" means equipment that emits ultraviolet radiation and is**
7 **used in the diagnosis or treatment of disease or injury;**

8 (3) "Tanning device" means any equipment that emits radiation used for tanning of the
9 skin, such as a sun lamp, tanning booth, or tanning bed, and includes any
10 accompanying equipment, such as protective eyewear, timers, and handrails; and

11 (4)~~(3)~~ "Tanning facility" means any place where a tanning device is used for a fee,
12 membership dues, or other compensation.

13 ➔Section 2. KRS 217.922 is amended to read as follows:

14 ~~[(1)]A[Before any] person who has[reached his or her fourteenth birthday and has] not~~
15 ~~passed his or her eighteenth birthday~~ **shall not use a tanning device at a tanning facility,**
16 **except that this section shall not apply to the instructions of a licensed physician who,**
17 **in the practice of medicine, uses or prescribes that a phototherapy device be used with**
18 **respect to a patient of any age**~~[uses a tanning device, he or she shall give the tanning~~
19 ~~facility a statement, signed by his or her parent or legal guardian, stating that the parent or~~
20 ~~legal guardian has read and understood the warnings given by the tanning facility, and~~
21 ~~that they consent to the minor's use of the tanning device and agree that the minor will use~~
22 ~~protective eyewear. This parental consent is valid for one (1) calendar year.~~

23 ~~(2) A person under the age of fourteen (14) shall be accompanied by a parent or legal~~
24 ~~guardian when using a tanning device].~~

25 ➔Section 3. KRS 217.924 is amended to read as follows:

26 (1) A tanning facility shall give each customer a written statement pursuant to 21
27 C.F.R. 1040.20. The written statement shall include warnings stating that:

- 1 (a) Failure to use eye protection provided to the customer by the tanning facility
2 may result in damage to the eyes;
- 3 (b) Overexposure to ultraviolet light causes burns;
- 4 (c) Repeated exposure may result in premature aging of the skin and skin cancer;
- 5 (d) Abnormal skin sensitivity or burning may be caused by reactions of the
6 following to ultraviolet light:
- 7 1. Food;
- 8 2. Cosmetics; or
- 9 3. Medications, including but not limited to:
- 10 a. Tranquilizers;
- 11 b. Diuretics;
- 12 c. Antibiotics;
- 13 d. High blood pressure medicines; or
- 14 e. Birth control pills;
- 15 (e) Any person taking a prescription or over-the-counter drug should consult a
16 physician before using a tanning device.

17 ~~(2) Each tanning facility shall:~~

18 ~~(a) Maintain the written or electronic consent forms of the parents or guardians for a~~
19 ~~period of not less than two (2) years, and make the forms available to cabinet~~
20 ~~personnel for inspection upon request; and~~

21 ~~(b) Make written or electronic records showing the dates and duration of use of a~~
22 ~~tanning device at the tanning facility by children fourteen (14) years of age to~~
23 ~~eighteen (18) years of age, maintain those records for a period of not less than two~~
24 ~~(2) years, and make the records available for cabinet or health department personnel~~
25 ~~for inspection upon request.~~

26 ~~(3)~~ Before July 1, 2007, all indoor tanning facilities shall register with the local health
27 department in the district or county in which the facility is operating. Registration

- 1 shall be valid for one (1) year and applicants shall pay a fee of twenty dollars (\$20)
- 2 to the district or county health department.