

SENATE No. 02211

Senate, April 9, 2012 – New draft of Senate, No. 1175 and House, No. 2372 reported from the committee on Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act further regulating tanning facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section
2 207, as appearing in the 2010 Official Edition, and inserting in place thereof the following
3 section: -

4 Section 207. For the purposes of sections 208 to 214, inclusive, the following words
5 shall have the following meanings unless the context clearly indicates otherwise:

6 “Board of health” or “board”, the board of health, including the board or officer having
7 like powers and duties in towns where there is no board of health, with jurisdiction in the
8 community in which a tanning facility is located.

9 “Operator”, a person designated to control the operation of a tanning facility in
10 compliance with this section and sections 208 to 213, inclusive, and to assist and instruct the
11 public in the correct operation of the tanning facility and its equipment.

12 “Phototherapy device”, equipment that emits ultraviolet radiation and is used by health
13 care professionals in the treatment of disease.

14 “Tanning device”, a piece of equipment used for tanning the skin that emits
15 electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers
16 including, but not limited to, a tanning booth, tanning bed, sunlamp or other high pressure
17 tanning lamps and any accompanying equipment including, but not limited to, protective
18 eyewear, timers and handrails.

19 “Tanning facility”, a location, place, area, structure or business which provides access to
20 a tanning device.

21 SECTION 2. Said chapter 111 is hereby further amended by striking out section 211, as
22 so appearing, and inserting in place thereof the following section:-

23 Section 211. (a) No person under the age of sixteen shall be permitted to use a tanning
24 device without a written order from a physician. (b) No person sixteen years of age to seventeen
25 years of age, inclusive, shall be permitted to use a tanning device without the prior written
26 consent of a parent or legal guardian, provided that, prior to providing written consent, said
27 parent or guardian shall be provided with a copy of the warnings required under the provisions of
28 section two hundred and nine, provided further, that said parent or guardian shall sign a
29 statement in the presence of the operator acknowledging receipt and understanding of the
30 warning statement. The operator shall sign the written consent form as a witness to the signing
31 of the parent or guardian.