

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1471

By: Wood

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6 AS INTRODUCED

7 An Act relating to public health and safety; defining
8 certain terms; excluding certain physician from
9 certain act; prohibiting person under certain age
10 from using tanning device in tanning facility;
11 requiring certain notice in tanning facility;
12 requiring customer to sign certain written statement;
13 requiring certain individuals to ensure certain
14 requirements are fulfilled; setting forth certain
15 duties of person using tanning device; providing for
16 penalties; requiring certain permit to operate
17 tanning facility; permitting local ordinances to
18 provide for more restrictive regulations; permitting
19 State Department of Health to promulgate certain
20 rules; providing for enforcement; providing for
21 codification; and providing an effective date.

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1 2. "Tanning device" means equipment that emits electromagnetic
2 radiation having wavelengths in the air between 200 and 400
3 nanometers and that is used for tanning of human skin and any
4 equipment used with that equipment, including but not limited to
5 protective eyewear, timers and handrails. Such term shall not
6 include a phototherapy device used, or prescribed for use, by a
7 physician;

8 3. "Tanning facility" means any location, place, area,
9 structure or business that provides persons access to any tanning
10 device, including tanning salons, health clubs, apartments and
11 condominiums, regardless of whether a fee is charged for access to
12 the tanning equipment; and

13 4. "Operator" means a person designated by the tanning facility
14 owner or tanning device lessee to operate or to assist and instruct
15 in the operation and use of the tanning facility or tanning device.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1431.1 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 This act shall not apply to any physician who is duly licensed
20 to practice medicine in this state and who, in the practice of
21 medicine, uses or prescribes to be used a phototherapy device with
22 respect to a patient of any age.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1431.2 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 It shall be unlawful for a person under eighteen (18) years of
5 age to use any tanning device of any tanning facility in this state.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1431.3 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A person who is the owner, lessee or operator of a tanning
10 facility shall post in a conspicuous place in each tanning facility
11 owned, leased or operated by that person in this state a notice
12 developed by the State Department of Health that states all of the
13 following:

14 1. That it is unlawful for a tanning facility or operator to
15 allow a person under the age of eighteen (18) years of age to use
16 any tanning device;

17 2. That a tanning facility or operator that violates one or
18 more provisions of this section shall be subject to a civil penalty;

19 3. That an individual may report a violation of one or more
20 provisions of this section to the local law enforcement agency; and

21 4. The health risks associated with tanning, including but not
22 limited to skin cancer, premature aging of skin, burns to the skin
23 and adverse reactions to certain medications, foods and cosmetics.

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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1431.4 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A person who is the owner, lessee or operator of a tanning
5 facility shall give to each of its customers a written statement
6 which must be signed by the customer before initial use and each
7 year thereafter. The statement will be developed by the State
8 Department of Health and must contain the following:

- 9 1. Written warning statement containing the same information in
10 Section 4 of this act;
- 11 2. Acknowledgment signed by each user indicating that he or she
12 understands the notices and warnings in Section 4 of this act; and
- 13 3. Agreement that the user will use protective eyewear.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-1431.5 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 The owner, lessee or operator of a tanning facility shall ensure
18 that all of the following requirements are fulfilled:

- 19 1. No customer under eighteen (18) years of age is permitted to
20 use the tanning facility. Proof of age may be satisfied with a
21 driver license or other government-issued identification containing
22 the date of birth and photograph of the individual;

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- 1 2. During operating hours there is present at the tanning
2 facility a trained operator who is able to inform customers about,
3 and assist customers in, the proper use of tanning devices;
- 4 3. Each tanning device is properly sanitized after each use;
- 5 4. Each customer, before he or she begins to use a tanning
6 device, is provided with properly sanitized and securely fitting
7 protective eyewear that protects the wearers eyes from ultraviolet
8 radiation and allows enough vision to maintain balance at no cost;
- 9 5. Customers are not allowed to use a tanning device unless the
10 customer uses protective eyewear;
- 11 6. Each customer is shown how to use such physical aids as
12 handrails and markings on the floor to maintain a proper exposure
13 distance from the tanning device as recommended by the manufacturer;
- 14 7. A timing device that is accurate within ten percent (10%) of
15 any selected timer interval is used and is remotely located so
16 customers cannot set their own exposure time;
- 17 8. Each tanning device is equipped with a mechanism that allows
18 the customer to turn the tanning device off;
- 19 9. Each customer is limited to the maximum exposure time
20 recommended by the manufacturer for their skin type;
- 21 10. Customers are not allowed to use a tanning device more than
22 once every twenty-four (24) hours;
- 23 11. The interior temperature of the tanning facility does not
24 exceed one hundred (100) degrees Fahrenheit; and

1 12. Maintain the following records: copies of all consent forms
2 signed by consumers; a record of each consumer's total number of
3 tanning visits at the facility; the dates and durations of tanning
4 exposures; and any injury reports for a period of three (3) years
5 after exposure for each consumer.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1431.6 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 No person may use a tanning device of a tanning facility unless
10 he or she complies with all of the following:

11 1. Immediately before the customer's first use of a unique
12 tanning facility in a year, sign a statement acknowledging that he
13 or she has read and understands the notice and the warning sign
14 required under this section and specifying that the customer agrees
15 to use protective eyewear; and

16 2. Use protective eyewear at all times while using a tanning
17 device.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-1431.7 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Any owner or operator who violates a provision of this
22 section or any rule promulgated thereunder shall be subject to a
23 civil penalty of not more than One Thousand Dollars (\$1,000.00) for
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1 the first violation and not more than Five Thousand Dollars
2 (\$5,000.00) for any subsequent violation.

3 B. In addition, violation may result in suspension or
4 revocation of any permit or license issued to the person or business
5 for the premises on which the violation occurred.

6 SECTION 9. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1431.8 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Except as may otherwise be provided under law, no person may
10 operate a tanning facility without a permit that the State
11 Department of Health may issue under this subsection. The holder of
12 a permit issued under this subsection shall display the permit in a
13 conspicuous place at the tanning facility for which the permit is
14 issued.

15 B. Permits issued under this subsection shall expire annually.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1431.9 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 This section does not preempt local ordinances which provide for
20 more restrictive regulation of tanning facilities than required in
21 these sections.

22 SECTION 11. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-1431.10 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

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The State Department of Health may promulgate rules necessary to administer this act.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1431.11 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall enforce this act.

SECTION 13. This act shall become effective November 1, 2015.

55-1-5139 AM 12/29/14