

1 **SENATE FLOOR VERSION**

2 April 4, 2016

3 ENGROSSED HOUSE
4 BILL NO. 1471

5 By: Wood, Virgin, Fourkiller,
6 Dunnington, Griffith,
7 Cooksey, Denney, Billy,
8 Coody (Ann), Enns, Osborn,
9 McDaniel (Jeannie) and
10 Hoskin of the House

11 and

12 Yen and Pittman of the
13 Senate

14 [public health and safety - tanning device in
15 tanning facility - certain written statement - duties
16 of person using tanning device - penalty -
17 codification - effective date]

18 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-1431 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 As defined in this act:

23 1. "Phototherapy device" means equipment that emits ultraviolet
24 radiation and is used in the diagnosis or treatment of disease or
injury;

1 2. "Tanning device" means equipment that emits electromagnetic
2 radiation having wavelengths in the air between two hundred (200)
3 and four hundred (400) nanometers and that is used for tanning of
4 human skin and any equipment used with that equipment, including but
5 not limited to protective eyewear, timers and handrails. Such term
6 shall not include a phototherapy device used, or prescribed for use,
7 by a 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 available on the State Department of Health's website, that states
13 all of the 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 may 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. That health risks associated with tanning include but are
22 not limited to skin cancer, premature aging of skin, burns to the
23 skin and adverse reactions to certain medications, foods and
24 cosmetics.

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 notice 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 wearer's 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 tanning device is equipped with a mechanism that allows
12 the customer to turn the tanning device off;

13 7. Each customer is limited to the maximum exposure time
14 recommended by the manufacturer for his or her skin type;

15 8. Customers are not allowed to use a tanning device more than
16 once every twenty-four (24) hours;

17 9. The interior temperature of the tanning facility does not
18 exceed one hundred (100) degrees Fahrenheit; and

19 10. The following records are maintained: copies of all
20 consent forms signed by customers; a record of each customer's total
21 number of tanning visits at the facility; the dates and durations of
22 tanning exposures; and any injury reports for a period of three (3)
23 years after exposure for each customer.

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

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

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

11 2. Use protective eyewear at all times while using a tanning
12 device.

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

16 Any owner or operator who violates a provision of this section
17 or any ordinance adopted thereunder may be subject to a penalty of
18 not more than One Thousand Dollars (\$1,000.00) for the first
19 violation and not more than Five Thousand Dollars (\$5,000.00) for
20 any subsequent violation.

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

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1 This section does not preempt local ordinances which provide for
2 more restrictive regulation of tanning facilities than required in
3 these sections.

4 SECTION 10. This act shall become effective November 1, 2016.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
6 April 4, 2016 - DO PASS AS AMENDED
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