

An Act

ENROLLED SENATE
BILL NO. 765

By: Yen of the Senate

and

Henke, Dunnington and Enns
of the House

An Act relating to tanning facilities; providing definitions; prohibiting use of tanning facilities by minors; requiring posting of certain signage; providing standards for signage; directing promulgation of rules; providing for codification; and providing an effective date.

SUBJECT: Tanning facilities

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

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

2. "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in the air between two hundred (200) and four hundred (400) nanometers and that is used for tanning of human skin and any equipment used with that equipment including, but not limited to, protective eyewear, timers and handrails. For the purposes of this paragraph, "tanning device" shall not include a phototherapy device used, or prescribed for use, by a physician;

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

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

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

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

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

2. That a tanning facility or operator that violates the provisions of this act shall be subject to a civil penalty;

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

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

D. The State Board of Health shall promulgate rules to implement the provisions of this act.

SECTION 2. This act shall become effective November 1, 2017.

Passed the Senate the 22nd day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____