

No. 97. An act relating to restrictions on tanning beds.

(H.157)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1513 is added to read:

§ 1513. TANNING FACILITIES; MINORS; PENALTY

(a) As used in this section:

(1) “Operator” means a person designated by the tanning facility owner or tanning equipment lessee to operate or to assist and instruct in the operation and use of the tanning facility or tanning equipment.

(2) “Tanning equipment” means any device that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers used for tanning of the skin, including a sunlamp, tanning booth, or tanning bed.

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

(b) This section shall apply to any tanning facility in Vermont; provided, however, that it shall not apply to any physician duly licensed to practice medicine who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation or to any person who owns tanning equipment exclusively for personal, noncommercial use.

(c) It shall be unlawful for a tanning facility or operator to allow any person who has not yet reached the age of 18 to use any tanning equipment.

(d) Any tanning facility or operator that allows a person under 18 years of age to use any tanning equipment shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action to enforce this section shall be brought in the judicial bureau pursuant to 4 V.S.A. chapter 29.

(e) The commissioner of health shall adopt such rules as are necessary to carry out the provisions of this section.

(f) A tanning facility owner, lessee, or operator shall post in a conspicuous place in each tanning facility that the individual owns, leases, or operates in this state a notice developed by the commissioner of health addressing the following:

(1) that it is unlawful for a tanning facility or operator to allow a person under the age of 18 to use any tanning equipment;

(2) that a tanning facility or operator that violates the provisions of this section shall be subject to a civil penalty;

(3) that an individual may report a violation of the provisions of this section to his or her local law enforcement agency; and

(4) the health risks associated with tanning.

Sec. 2. 4 V.S.A. § 1102(b)(23) is added to read:

(23) Violations of 18 V.S.A. § 1513, relating to minors using tanning facilities.

Date on which the governor allowed the bill to become law without his

signature: May 2, 2012