

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1171

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; defining
8 terms; providing exception to act; making it unlawful
9 to operate a tanning facility without a license;
10 authorizing the State Board of Health to promulgate
11 certain rules; prohibiting the use of certain
12 facilities for persons age thirteen and under;
13 requiring tanning facilities to provide certain
14 information to customers and post certain signs;
15 authorizing cities and counties to adopt certain
16 regulations; authorizing cities and counties to
17 require certain licenses or permits; providing for
18 certain violations and penalties; providing for
19 codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 1-1440 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Authorized agent" means an employee of the State Department
of Health designated by the State Board to enforce this act;
2. "Board" means the State Board of Health;
3. "Department" means the State Department of Health;

1 4. "Phototherapy device" means equipment that emits ultraviolet
2 radiation that is used in the treatment of disease or other medical
3 use;

4 5. "Tanning device" means equipment that emits electromagnetic
5 radiation with wavelengths in the air that is used for tanning of
6 human skin and includes any accompanying items incidental to
7 operation of the tanning device; and

8 6. "Tanning facility" means any facility, whether independent
9 or part of a salon, health spa or any other facility, which provides
10 access to tanning devices but shall not include private residences
11 if access to tanning devices is provided without charge.

12 B. This act shall not apply to use of a phototherapy device by
13 or under supervision of a person licensed to practice medicine and
14 surgery.

15 C. It shall be unlawful for any person to operate a tanning
16 facility in this state without a valid license from the State
17 Department of Health.

18 D. The State Board of Health shall promulgate rules to regulate
19 tanning facilities which shall include, but not be limited to:

20 1. Facility operator temporary and permanent licensure and
21 fees;

22 2. Equipment setup and requirements;

23 3. General sanitation requirements;

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1 4. Limits and prohibitions concerning tanning equipment and
2 procedures;

3 5. Education and training;

4 6. Facility inspection documents including, but not limited to,
5 equipment inspection;

6 7. Administrative fines structure; and

7 8. Such other issues relating to the safe functioning of
8 tanning facilities and devices deemed necessary by the Board.

9 E. Persons age thirteen (13) and under shall not be allowed to
10 use tanning facilities in this state without a written order from a
11 physician licensed in this state and without being accompanied by a
12 parent or legal guardian for every use of the tanning facility.

13 F. In addition to any other requirements the State Board of
14 Health shall impose by rule, a tanning facility shall:

15 1. Give each customer a written statement warning that:

16 a. failure to use the eye protection provided to the
17 customer by the tanning facility may result in damage
18 to the eyes,

19 b. overexposure to ultraviolet radiation causes burns,

20 c. repeated exposure to ultraviolet radiation may result
21 in premature aging of the skin and skin cancer,

22 d. abnormal skin sensitivity or burning may be caused by
23 reactions of ultraviolet radiation to certain foods;
24 cosmetics; or medications, including tranquilizers,

1 diuretics, antibiotics, high blood pressure medicines,
2 or birth control pills, and

3 e. any person taking a prescription or over-the-counter
4 drug should consult a physician before using a tanning
5 device;

6 2. Post a warning sign in a conspicuous location where it is
7 readily visible by persons entering the establishment. The sign
8 shall have dimensions of no less than eight (8) inches by ten (10)
9 inches and shall contain the following wording:

10 "CAUTION: ULTRAVIOLET RADIATION

11 Repeated exposure to ultraviolet radiation may cause skin
12 damage characterized by wrinkling, dryness, fragility and skin
13 cancer.

14 Failure to use protective eyewear may result in severe burns
15 or permanent injury to the eyes.

16 Medications or cosmetics may increase your sensitivity to
17 ultraviolet radiation. Consult a physician before using a
18 tanning device if you are using medications, have a history of
19 skin problems or believe you are especially sensitive to
20 sunlight. Pregnant women or women taking oral contraceptives
21 who use this product may develop discolored skin.

22 IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF
23 AN ULTRAVIOLET DEVICE OR SUNLAMP"; and

1 3. Post a warning sign, one for each tanning device, in a
2 conspicuous location that is readily visible to a person about to
3 use the device. The sign shall have dimensions of not less than
4 eight (8) inches by ten (10) inches and shall contain the following
5 language:

6 "CAUTION: ULTRAVIOLET RADIATION

7 1. Follow the manufacturer's instructions for use of this
8 device.

9 2. Avoid too frequent or lengthy exposure. As with natural
10 sunlight, exposure can cause serious eye and skin injuries and
11 allergic reactions. Repeated exposure may cause skin cancer.

12 3. Wear protective eyewear. Failure to use protective
13 eyewear may result in severe burns or permanent damage to the
14 eyes.

15 4. Do not sunbathe before or after exposure to ultraviolet
16 radiation.

17 5. Medications or cosmetics may increase your sensitivity
18 to ultraviolet radiation. Consult a physician before using a
19 sunlamp if you are using medication, have a history of skin
20 problems or believe you are especially sensitive to sunlight.
21 Pregnant women or women using oral contraceptives who use this
22 product may develop discolored skin.

23 IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF
24 THIS DEVICE".

1 G. A city or county may adopt any regulations that do not
2 conflict with, or are more comprehensive than, the provisions of
3 this section or with the rules promulgated by the Department. This
4 section does not limit the ability of a city or county to require an
5 applicant to obtain any further business licenses or permits that
6 the city or county deems appropriate.

7 H. The State Department of Health may notify the district
8 attorney of any violation of this section or rules promulgated
9 pursuant thereto and, in addition to any criminal penalty imposed,
10 the Department may impose an administrative fine not to exceed One
11 Thousand Dollars (\$1,000.00) per violation per day, and may suspend,
12 revoke or deny the license of the facility, or may impose both such
13 administrative fine and suspension, revocation or denial for any
14 such violation.

15 I. Any person convicted of violating the provisions of this act
16 or rules promulgated pursuant thereto shall be guilty of a
17 misdemeanor punishable by imprisonment in the county jail not to
18 exceed ninety (90) days, a fine of not more than One Thousand
19 Dollars (\$1,000.00), or by both such fine and imprisonment.

20 SECTION 2. This act shall become effective November 1, 2009.

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