

1 ENGROSSED SENATE
2 BILL NO. 765

By: Yen of the Senate

3 and

4 Henke of the House

5
6 An Act relating to tanning facilities; providing
7 definitions; prohibiting use of tanning facilities by
8 minors; requiring posting of certain signage;
9 providing standards for signage; directing
10 promulgation of rules; providing for codification;
11 and providing an effective date.

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

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

16 A. As used in this act:

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

20 2. "Tanning device" means equipment that emits electromagnetic
21 radiation having wavelengths in the air between two hundred (200)
22 and four hundred (400) nanometers and that is used for tanning of
23 human skin and any equipment used with that equipment including, but
24 not limited to, protective eyewear, timers and handrails. For the

1 purposes of this paragraph, "tanning device" shall not include a
2 phototherapy device used, or prescribed for use, by a physician;

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

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

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

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

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

23 2. That a tanning facility or operator that violates the
24 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 ____ day of _____,
2017.

Presiding Officer of the House
of Representatives