

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1756

By: Henke

AS INTRODUCED

An Act relating to public health and safety; defining certain terms; excluding certain physician from certain act; prohibiting person under certain age from using tanning device in tanning facility; requiring certain notice in tanning facility; requiring customer to sign certain written statement; requiring certain individuals to ensure certain requirements are fulfilled; setting forth certain duties of person using tanning device; providing for penalty; permitting local ordinances to provide for more restrictive regulations; providing for codification; and providing an effective date.

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 1-1431 of Title 63, unless there is created a duplication in numbering, reads as follows:

As defined 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)

1 and four hundred (400) nanometers and that is used for tanning of
2 human skin and any equipment used with that equipment, including but
3 not limited to protective eyewear, timers and handrails. Such term
4 shall not include a phototherapy device used, or prescribed for use,
5 by a physician;

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-1431.1 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 This act shall not apply to any physician who is duly licensed
18 to practice medicine in this state and who, in the practice of
19 medicine, uses or prescribes to be used a phototherapy device with
20 respect to a patient of any age.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-1431.2 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1431.3 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A person who is the owner, lessee or operator of a tanning
7 facility shall post in a conspicuous place in each tanning facility
8 owned, leased or operated by that person in this state a notice,
9 available on the State Department of Health's website, that states
10 all of the following:

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

14 2. That a tanning facility or operator that violates one or
15 more provisions of this section may be subject to a civil penalty;

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

18 4. That health risks associated with tanning include but are
19 not limited to skin cancer, premature aging of skin, burns to the
20 skin and adverse reactions to certain medications, foods and
21 cosmetics.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-1431.4 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 A person who is the owner, lessee or operator of a tanning
2 facility shall give to each of its customers a written statement
3 which must be signed by the customer before initial use and each
4 year thereafter. The statement will be developed by the State
5 Department of Health and must contain the following:

6 1. Written warning statement containing the same information in
7 Section 4 of this act;

8 2. Acknowledgment signed by each user indicating that he or she
9 understands the notice and warnings in Section 4 of this act; and

10 3. Agreement that the user will use protective eyewear.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-1431.5 of Title 63, unless
13 there is created a duplication in numbering, reads as follows:

14 The owner, lessee or operator of a tanning facility shall ensure
15 that all of the following requirements are fulfilled:

16 1. No customer under eighteen (18) years of age is permitted to
17 use the tanning facility. Proof of age may be satisfied with a
18 driver license or other government-issued identification containing
19 the date of birth and photograph of the individual;

20 2. During operating hours there is present at the tanning
21 facility a trained operator who is able to inform customers about,
22 and assist customers in, the proper use of tanning devices;

23 3. Each tanning device is properly sanitized after each use;
24

1 4. Each customer, before he or she begins to use a tanning
2 device, is provided at no cost with properly sanitized and securely
3 fitting protective eyewear that protects the wearer's eyes from
4 ultraviolet radiation and allows enough vision to maintain balance;

5 5. Customers are not allowed to use a tanning device unless the
6 customer uses protective eyewear;

7 6. Each tanning device is equipped with a mechanism that allows
8 the customer to turn the tanning device off;

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

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

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

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

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

23 No person may use a tanning device of a tanning facility unless
24 he or she complies with the following:

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

6 2. The customer uses protective eyewear at all times while
7 using a tanning device.

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

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

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

19 This act does not preempt local ordinances which provide for
20 more restrictive regulation of tanning facilities than required in
21 these sections.

22 SECTION 10. This act shall become effective November 1, 2017.
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24 56-1-5934 AM 01/16/17