

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 657
Health & Human Resources Committee Substitute Adopted 4/10/03
House Committee Substitute Favorable 7/15/04**

Short Title: Tanning Salons/Restrictions on Use.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPOSE RESTRICTIONS ON THE USE AND OPERATION OF
3 TANNING FACILITIES AND EQUIPMENT, INCLUDING NOT ALLOWING
4 PERSONS THIRTEEN YEARS AND YOUNGER TO USE TANNING
5 EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION FROM THE PERSON'S
6 MEDICAL PHYSICIAN SPECIFYING THE NATURE OF THE MEDICAL
7 CONDITION REQUIRING THE TREATMENT, THE NUMBER OF VISITS,
8 AND THE TIME OF EXPOSURE FOR EACH VISIT.

9 Whereas, on an average day in the United States, more than one million
10 people visit indoor tanning salons for the purpose of tanning the skin; and

11 Whereas, studies have found that indoor tanning may be just as harmful to the
12 skin as outdoor sun exposure; and

13 Whereas, most indoor tanning salon bulbs provide a significant amount of
14 UVA and UVB radiation, both types of which are found in the outdoor sun and cause
15 various types of damage to the skin that may lead to skin cancer; and

16 Whereas, past studies have suggested that tanning beds contribute to the
17 incidence of melanoma, and a recent study in the Journal of the National Cancer
18 Institute indicates that the use of tanning devices may also contribute to the incidence of
19 nonmelanoma skin cancers; and

20 Whereas, dermatologists across the country are alarmed with the number of
21 teenagers and young adults who continue to patronize tanning salons regardless of
22 studies reporting the link between sun exposure and a wide array of skin cancers; and

23 Whereas, the Centers for Disease Control and Prevention reports an estimated
24 700 emergency department visits per year related to tanning salon exposure; Now,
25 therefore,

26 The General Assembly of North Carolina enacts:

27 **SECTION 1.** Chapter 104E of the General Statutes is amended by adding
28 the following new section to read:

1 **"§ 104E-9.1. Restrictions on use and operation of tanning equipment.**

2 (a) Operators of tanning equipment and owners of tanning facilities subject to
3 rules adopted pursuant to this Chapter shall comply with or ensure compliance with the
4 following:

5 (1) The operator shall provide to each consumer a warning statement that
6 defines the potential hazards and consequences of exposure to
7 ultraviolet radiation. Before allowing the consumer's initial use of the
8 tanning equipment, the operator shall obtain the signature of the
9 consumer on the warning statement acknowledging receipt of the
10 warning.

11 (2) The operator shall not allow a person 13 years and younger to use
12 tanning equipment without a written prescription from the person's
13 medical physician specifying the nature of the medical condition
14 requiring the treatment, the number of visits, and the time of exposure
15 for each visit.

16 (3) Neither an operator nor an owner shall claim or distribute promotional
17 materials that claim that using tanning equipment is safe or free from
18 risk or that using tanning equipment will result in medical or health
19 benefits.

20 (4) The operator shall not allow a person to use tanning equipment longer
21 than the recommended exposure time provided by the manufacturer of
22 the tanning equipment as shown on the label of the tanning equipment.

23 (b) The Commission may adopt, and the Department shall enforce, rules to
24 implement this section. The requirements of this section are in addition to other rules
25 adopted pursuant to this Chapter that are applicable to tanning facilities and do not
26 conflict with this section.

27 (c) As used in this section, unless the context requires otherwise, the term:

28 (1) 'Consumer' means any individual who is provided access to a tanning
29 facility that is subject to registration and regulation under this Chapter.

30 (2) 'Tanning facility' means any location, place, area, structure, or business
31 that provides consumers access to tanning equipment. For the purpose
32 of this definition, tanning equipment registered to different persons at
33 the same location and tanning equipment registered to the same
34 person, but at separate locations, shall constitute separate tanning
35 facilities.

36 (3) 'Tanning equipment' means ultraviolet or other lamps and equipment
37 containing such lamps intended to induce skin tanning through the
38 irradiation of any part of the living human body with ultraviolet
39 radiation."

40 **SECTION 2.** This act becomes effective October 1, 2004.