

A bill for an act

relating to health; strengthening state laws protecting the health of tanning salon customers; amending Minnesota Statutes 2010, sections 325H.01, subdivision 7; 325H.05; 325H.06; 325H.08; 325H.09.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 325H.01, subdivision 7, is amended to read:

Subd. 7. **Tanning facility.** "Tanning facility" means a location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. Tanning facility includes, but is not limited to, tanning salons, spas, nail salons, hair styling salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 325H.05, is amended to read:

325H.05 POSTED WARNING REQUIRED.

(a) The facility owner or operator shall conspicuously post the warning sign described in paragraph (b) within three feet of each tanning station. The sign must be clearly visible, not obstructed by any barrier, equipment, or other object, and must be posted so that it can be easily viewed by the consumer before energizing the tanning equipment.

(b) The warning sign required in paragraph (a) shall have dimensions not less than ~~eight~~ 18 inches by ~~ten~~ 24 inches, and must have the following wording, sized no less than 36 font:

"DANGER - ULTRAVIOLET RADIATION

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.

-The World Health Agency's International Agency for Research on Cancer has labeled indoor tanning as a human carcinogen.

-REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER, INCLUDING MELANOMA, A DEADLY FORM OF SKIN CANCER.

-Wear protective eyewear.

**FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.**

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight."

EFFECTIVE DATE. This section is effective August 31, 2011.

Sec. 3. Minnesota Statutes 2010, section 325H.06, is amended to read:

325H.06 NOTICE TO CONSUMER.

(a) The tanning facility owner or operator shall provide each consumer ~~under the age of 18~~, before initial exposure at the facility, with a copy of the following warning, which must be signed, witnessed, and dated as indicated in the warning:

"WARNING STATEMENT

This statement must be read and signed by the consumer BEFORE first exposure to ultraviolet radiation for tanning purposes at the below signed facility.

DANGER - ULTRAVIOLET RADIATION WARNING

~~-Follow instructions.~~

~~-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.~~

-The World Health Agency's International Agency for Research on Cancer has labeled indoor tanning as a human carcinogen.

-REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER, INCLUDING MELANOMA, A DEADLY FORM OF SKIN CANCER.

-Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation.

Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions.

I have read the above warning and understand ~~what it means~~ the cancer risk before undertaking any tanning equipment exposure.

.....
Signature of Operator of Tanning Facility
or Equipment

.....
Signature of Consumer

.....
Print Name of Consumer

.....
Date

OR

The consumer is illiterate and/or visually impaired and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.

.....
Signature of Operator of Tanning Facility
or Equipment

.....
Witness

.....
Date"

(b) Any advertisement for indoor UV tanning services must include the following warning statement:

"WARNING: Indoor tanning is a human carcinogen. Repeated exposure may cause premature aging of the skin and skin cancer, including melanoma, a deadly form of skin cancer."

The above warning must occupy at least one-tenth of the area of the advertisement.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 325H.08, is amended to read:

325H.08 CONSENT REQUIRED.

~~Before allowing the initial exposure at a tanning facility of a person under the age of 16, the owner or operator shall witness the person's parent's or legal guardian's signing and dating of the warning statement required under section 325H.06.~~ Minors are prohibited from using tanning equipment unless prescribed by a physician.

Advertising to minors is prohibited. This includes, but is not limited to, advertising in school newspapers, yearbooks, and sporting events.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 325H.09, is amended to read:

325H.09 PENALTY.

Any person who leases tanning equipment or who owns a tanning facility and who operates or permits the equipment or facility to be operated in noncompliance with the requirements of sections 325H.01 to 325H.08 is guilty of a petty misdemeanor.

An annual licensing fee of \$1,000 will be levied on each tanning facility. These funds will be utilized for facility inspections, compliance assessments, and penalty enforcements.

EFFECTIVE DATE. This section is effective August 1, 2011.