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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1869

03/16/2015 Authored by McNamara

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to commerce; authorizing persons under the age of 18 to use indoor
1.3 tanning facilities with consent; amending Minnesota Statutes 2014, sections
1.4 325H.05; 325H.09; proposing coding for new law in Minnesota Statutes, chapter
1.5 325H; repealing Minnesota Statutes 2014, section 325H.085.

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

1.7 Section 1. Minnesota Statutes 2014, section 325H.05, is amended to read:

1.8 **325H.05 POSTED WARNING REQUIRED.**

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

1.14 (b) The warning sign required in paragraph (a) shall have dimensions not less than
1.15 eight inches by ten inches, and must have the following wording:

1.16 "DANGER - ULTRAVIOLET RADIATION

1.17 -Follow instructions.

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

1.21 -Wear protective eyewear.

1.22 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT

1.23 IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

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

2.5 ~~(e) All tanning facilities must prominently display a sign in a conspicuous place,~~
 2.6 ~~at the point of sale, that states it is unlawful for a tanning facility or operator to allow a~~
 2.7 ~~person under age 18 to use any tanning equipment.~~

2.8 Sec. 2. **[325H.061] NOTICE TO CONSUMER.**

2.9 The tanning facility owner or operator shall provide each consumer under the age of
 2.10 18, before initial exposure at the facility and as otherwise required in section 325H.081,
 2.11 paragraph (b), with a copy of the following warning, which must be signed, witnessed,
 2.12 and dated as indicated in the warning:

2.13 "WARNING STATEMENT

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

2.16 "DANGER - ULTRAVIOLET RADIATION WARNING

2.17 -Follow instructions.

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

2.21 -Wear protective eyewear.

2.22 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN

2.23 SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

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

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

2.28 I have read the above warning and understand what it means before undertaking any
 2.29 tanning equipment exposure.

2.30

2.31 Signature of Operator of Tanning Facility or Equipment

2.32

2.33 Signature of Consumer

2.34

2.35 Print Name of Consumer

2.36

2.37 Date

3.1 OR

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

3.4

3.5 Signature of Operator of Tanning Facility or Equipment

3.6

3.7 Witness

3.8

3.9 Date"

3.10 **Sec. 3. [325H.081] CONSENT REQUIRED.**

3.11 (a) Before allowing the initial exposure at a tanning facility of a person under the age
3.12 of 18, the owner or operator shall witness the person's parent's or legal guardian's signing
3.13 and dating of the warning statement required under section 325H.061.

3.14 (b) For a person under the age of 16, the consent required by this section expires
3.15 365 days from the date the warning statement is signed and dated by the parent or legal
3.16 guardian pursuant to paragraph (a) and must again be obtained by the tanning facility
3.17 for successive 365-day periods until the person reaches the age of 16 as a condition
3.18 for allowing the person to use the tanning facility. The notice required under section
3.19 325H.061 must be provided by the tanning facility to the customer upon the expiration of
3.20 any 365-day period under this paragraph.

3.21 **Sec. 4. Minnesota Statutes 2014, section 325H.09, is amended to read:**

3.22 **325H.09 PENALTY.**

3.23 Any person who leases tanning equipment or who owns a tanning facility and who
3.24 operates or permits the equipment or facility to be operated in noncompliance with the
3.25 requirements of sections 325H.01 to 325H.085 325H.081 is guilty of a petty misdemeanor.

3.26 **Sec. 5. REPEALER.**

3.27 Minnesota Statutes 2014, section 325H.085, is repealed.

3.28 **Sec. 6. EFFECTIVE DATE.**

3.29 Sections 1 to 5 are effective July 1, 2015.

APPENDIX
Repealed Minnesota Statutes: 15-3036

325H.085 USE BY MINORS PROHIBITED.

A person under age 18 may not use any type of tanning equipment as defined by section 325H.01, subdivision 6, available in a tanning facility in this state.