CHAPTER 325H

TANNING FACILITIES

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325H.01 DEFINITIONS.

Subdivision 1. **Application.** The definitions in this section apply to sections 325H.01 to 325H.10.

Subd. 2. **Consumer.** "Consumer" means an individual who is provided access to a tanning facility.

Subd. 3. **Individual.** "Individual" means a human being.

Subd. 4. **Operator.** "Operator" means an individual designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct the consumer in the operation and use of, the tanning facility or tanning equipment; however an operator in an apartment or a condominium need not exercise direct supervision or be physically on the premises at all times.

Subd. 5. **Person.** "Person" means an individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

Subd. 6. **Tanning equipment.** "Tanning equipment" means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

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, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

Subd. 8. **Ultraviolet radiation.** "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

History: *1993 c 316 s 1*

325H.02 REGULATIONS; APPLICABILITY; EXEMPTIONS.

Subdivision 1. **Regulations; applicability.** A tanning facility in this state must be constructed, operated, and maintained according to sections 325H.01 to 325H.10.

Subd. 2. **Exemptions.** Sections 325H.01 to 325H.10 do not apply to:

(a) a person who:

(1) uses equipment which emits ultraviolet radiation incidental to its normal operation; and

(2) does not use the equipment described in clause (1) to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of tanning or other treatment;

(b) a physician licensed by the Board of Medical Practice who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation; and

(c) an individual who owns tanning equipment exclusively for personal, noncommercial use.

History: *1993 c 316 s 2*

325H.03 STANDARDS FOR TANNING EQUIPMENT.

Subdivision 1. **Standards for all equipment.** (a) The tanning facility owner or operator must use only tanning equipment manufactured according to Code of Federal Regulations, title 21, part 1040.20. The exact nature of compliance must be based on the standards in effect at the time of manufacture as shown on the device identification label required by Code of Federal Regulations, title 21, part 1010.3.

(b) Each assembly of tanning equipment must be designated for use by only one consumer at a time and must be equipped with a timer that complies with Code of Federal Regulations, title 21, part 1040.20(c)(2). The maximum timer interval may not exceed the manufacturer's maximum recommended exposure time. No timer interval may have an error exceeding plus or minus ten percent of the maximum timer interval for the product.

(c) Tanning equipment must meet the National Fire Protection Association National Electrical Code.

(d) Tanning equipment must include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(e) The tanning facility owner or operator shall replace defective or damaged lamps, bulbs, or filters with a type intended for use in the affected tanning equipment as specified on the product label and having the same spectral distribution.

(f) The tanning facility owner or operator shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at a frequency or after a duration of use as may be recommended by the manufacturer of the lamps and bulbs.

(g) The tanning facility owner or operator shall maintain a record of when the bulbs or lamps in each tanning booth or bed were replaced according to paragraphs (e) and (f).

(h) Tanning equipment must have a control that enables the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.

(i) The tanning facility operator shall instruct each user on: (1) the proper position to maintain relative to the tanning lamps; (2) the position of the safety railing, where applicable; (3) the manual switching device to terminate radiation; and (4) maximum time of exposure.

(j) The tanning facility operator shall inspect the facility to ensure that the floors are dry before each individual's use, except that, in an apartment or a condominium, the operator may check the facility periodically.

(k) The tanning facility operator shall monitor the use of the facility to ensure that the interior temperature does not exceed 100 degrees Fahrenheit.

(l) The tanning facility operator shall comply with sanitizing procedures specified by the manufacturer of the tanning equipment between users.

Subd. 2. **Standards for stand-up tanning booths.** In addition to the requirements in subdivision 1, tanning booths designed for stand-up use must comply with the following additional requirements:

(1) booths must have physical barriers or other means, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin;

(2) booths must be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling individual;

(3) access to booths must be of rigid construction; and

(4) booths must be equipped with handrails and nonslip floors.

History: *1993 c 316 s 3*

325H.04 PROTECTIVE GOGGLES REQUIRED.

(a) The tanning facility owner or operator shall provide protective goggles to each consumer for use with the tanning equipment. The protective goggles must meet the requirements of Code of Federal Regulations, title 21, part 1040.20(c)(4).

(b) Tanning facility owners and operators shall require that consumers wear the protective goggles required by this section. The tanning facility owner or operator shall ensure that the protective goggles required by this section are properly sanitized before each use unless the goggles are owned by the consumer, and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide the sanitizing.

History: *1993 c 316 s 4*

325H.05 POSTED WARNING REQUIRED.

(a) The facility owner or operator shall conspicuously post the warning signs described in paragraphs (b) and (c) 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 inches by ten inches, and must have the following wording:

"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.

-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."

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

History: *1993 c 316 s 5; 2014 c 291 art 6 s 24*

325H.06 [Repealed, 2014 c 291 art 6 s 37]

325H.07 RECORDS REQUIRED.

The tanning facility owner or operator shall maintain a record of each consumer's total number of tanning visits at the facility, and the dates and durations of tanning exposures for a period of three years after exposure. In an apartment or a condominium a record of tokens sold is sufficient.

History: *1993 c 316 s 7*

325H.08 [Repealed, 2014 c 291 art 6 s 37]

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.

History: *2014 c 291 art 6 s 25*

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.085 is guilty of a petty misdemeanor.

History: *1993 c 316 s 9; 2014 c 291 art 6 s 26*

325H.10 LOCAL ORDINANCE AUTHORIZATION.

Sections 325H.01 to 325H.09 do not preempt a local ordinance which provides for more restrictive regulation of tanning facilities than required in sections 325H.01 to 325H.09.

History: *1993 c 316 s 10*