

# SENATE NO. 1329

## AN ACT FURTHER REGULATING TANNING FACILITIES

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 207,

2 as appearing in the 2004 Official Edition, and inserting in place thereof the following section: -

3 Section 207. For the purposes of sections two hundred and eight to two hundred and fourteen,

4 inclusive, the following words shall, unless the context clearly indicates otherwise, have the

5 following meanings:

6 “Board of health” or “board”, the board of health, including the board or officer having like

7 powers and duties in towns where there is no board of health, with jurisdiction in the

8 community in which a tanning facility is located.

9 “Phototherapy device”, equipment that emits ultraviolet radiation and is used by health care

10 professionals in the treatment of disease.

11 “Operator”, any trained person designated by the licensee for the facility and registered with the

12 board of health to control the operation of a tanning facility in compliance with this act and to

13 assist and instruct the public in the correct operation of the tanning facility and its equipment;

14 “Tanning device”, any equipment used for tanning the skin that emits electromagnetic radiation

15 with wavelengths in the air between two hundred and four hundred nanometers, including, but

16 not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning  
17 lamps. Tanning device shall also include any accompanying equipment, including, but not  
18 limited to, protective eyewear, timers and handrails.

19 “Tanning facility”, any location, place, area, structure or business which provides access to a  
20 tanning device.

21 SECTION 2. Said chapter 111 is hereby further amended by striking out section 208, as so  
22 appearing, and inserting in place thereof the following section:-

23 Section 208. (a) No person shall operate a tanning facility until said facility has been granted a  
24 license by the board of health. Each license granted hereunder shall expire one year from the  
25 date of its issue. The fee for each license and annual renewal thereof shall be two-hundred and  
26 fifty dollars.

27 (b) Applications for each license and annual renewal thereof shall be made on forms proscribed  
28 by and made available from the board. The board shall require at least the following  
29 information on the application for a permit to operate a tanning facility: name, physical address,  
30 mailing address, and telephone number of the following:

- 31 1. The tanning facility;
- 32 2. The applicant (owner[s]) of the tanning facility;
- 33 3. The manufacturer, model number, serial number, year and month of manufacture, and type  
34 of each ultraviolet lamp or piece of tanning equipment located within the facility;
- 35 4. The primary function of the business in which the tanning facility is located;
- 36 5. The geographic areas within the state to be covered, if the facility is mobile;
- 37 6. Copies of any posted warnings or other notices which are not required by this act and which  
38 address the safe or proper use of tanning equipment and protective devices;

39 7. Copies of consent forms and statements which consumers, parents or guardians will be  
40 required to sign pursuant to this act;

41 8. Names and addresses of the tanning equipment supplier(s), installer(s), operator(s), and  
42 service agent(s);

43 9. A copy of the operating procedures to be used in the tanning facility;

44 10. The hours of operation of the tanning facility;

45 11. The name of the on-site manager of the tanning facility; and

46 12. A signed and dated certification that the applicant has received, read, and understood the  
47 requirements of this act.

48 (c) No license granted hereunder shall be transferable from one person to another or from on  
49 tanning facility to another.

50 (d) The board shall inspect each tanning facility within thirty days of licensure and every six  
51 months thereafter.

52 (e) A tanning facility which violates the provisions of this section, sections two hundred and  
53 nine to two hundred and fourteen, inclusive, or any other applicable law, rule or regulation shall  
54 have seven days after written notice of such failure in which to comply with such provisions.  
55 The board may revoke the license of a tanning facility which fails to comply after said seven  
56 days.

57 (f) Any person aggrieved by a determination of the board pursuant to sections two hundred and  
58 seven to two hundred and thirteen, inclusive, may appeal to the department within twenty days  
59 of said determination. Any person, including, but not limited to, the board, aggrieved by a  
60 determination of the department may appeal said decision pursuant to the provisions of section  
61 fourteen of chapter thirty A.

62 SECTION 3. Section 210 of said chapter 111, as so appearing, is hereby amended by striking  
63 out the first paragraph and inserting in place thereof the following paragraph:-  
64 No tanning facility shall employ a minor under eighteen as a tanning device operator or permit  
65 him operate a tanning device. A tanning facility shall register any person employed as a tanning  
66 device operator with the board within thirty days of the operators first day of employment.  
67 There shall be a one-time registration fee of twenty five dollars for each operator registered by  
68 the tanning facility. A tanning facility shall at all times during operating hours have an  
69 registered operator present who is sufficiently knowledgeable in the correct operation of the  
70 tanning devices used at the tanning facility to be able to inform and assist each customer in the  
71 proper use of such tanning devices and to provided sanitized protective eyewear and towels. No  
72 person shall use a tanning device without such protective eyewear.

73 SECTION 4. Said chapter 111 is hereby further amended by striking out section 211, as so  
74 appearing, and inserting in place thereof the following section:-

75 Section 211. (a) No person under the age of sixteen shall be permitted to use a tanning device.  
76 (b) No person sixteen years of age to seventeen years of age, inclusive, shall be permitted to use  
77 a tanning device without the prior written consent of a parent or legal guardian, provided that,  
78 prior to providing written consent, said parent or guardian shall be provided with a copy of the  
79 warnings required under the provisions of section two hundred and nine, provided further, that  
80 said parent or guardian shall sign a statement in the presence of the operator acknowledging  
81 receipt and understanding of the warning statement. The operator shall sign the written consent  
82 form as a witness to the signing of the parent or guardian.