
HOUSE BILL 2912

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Sprenkle and May

Read first time 01/31/92. Referred to Committee on Health Care.

1 AN ACT Relating to regulating tanning salons; and adding a new
2 chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The purpose of this chapter is to
5 regulate tanning facilities to minimize the risks associated with
6 tanning by artificial ultraviolet light. These risks include, but are
7 not limited to:

- 8 (a) Sunburn;
- 9 (b) Premature aging of the skin;
- 10 (c) Skin cancer;
- 11 (d) Retinal damage;
- 12 (e) Formation of cataracts;
- 13 (f) Suppression of the immune system;
- 14 (g) Damage to the vascular system; and

1 (h) Improper sanitation of tanning devices.

2 (2) The requirements of this chapter apply to any tanning facility
3 that operates any tanning devices. Physicians' phototherapy devices
4 are exempted under section 14 of this act.

5 NEW SECTION. **Sec. 2.** For the purposes of this chapter, unless
6 the context requires otherwise:

7 (1) "Department" means the department of health.

8 (2) "Consumer" means a member of the public who is provided access
9 to a tanning device in exchange for a fee or other compensation, or any
10 individual who, in exchange for a fee or other compensation, is
11 afforded use of a tanning device as a condition or benefit of
12 membership or access.

13 (3) "Handrails" means a suitable physical aid that will help to
14 maintain proper exposure distance.

15 (4) "Individual" means a human being.

16 (5) "Minor" means an individual under the age of eighteen.

17 (6) "Operator" means the person who has control over the day-to-day
18 operations in premises offering ultraviolet tanning facilities.

19 (7) "Other compensation" means the payment or exchange of goods,
20 services, or anything of value for use of the tanning device or
21 devices.

22 (8) "Person" means an individual, corporation, partnership, firm,
23 association, trust, estate, public or private institution, group,
24 agency, political subdivision of this state, any other state political
25 subdivision or agency thereof, and any legal successor, representative,
26 agent, or agency of these entities.

27 (9) "Phototherapy device" means equipment that emits ultraviolet
28 radiation used by a health care professional in the treatment of
29 disease or illness.

1 (10) "Protective eyewear" means suitable eyewear that protects the
2 eye from ultraviolet radiation and allows adequate vision.

3 (11) "Registrant" means any person who is registered with the
4 department as required by provisions of this chapter.

5 (12) "Registration" means registration with the department in
6 accordance with provisions of this chapter.

7 (13) "Tanning device" means equipment used for tanning of the skin,
8 that emits electromagnetic radiation with wavelengths in the air
9 between two hundred and four hundred nanometers including, but not
10 limited to, a sunlamp, ultraviolet lamp, tanning booth, or tanning bed.
11 "Tanning device" also means accompanying equipment, including, but not
12 limited to, protective eyewear, timers, and handrails.

13 (14) "Tanning facility" means a location, place, area, structure,
14 or business that provides persons access to a tanning device.

15 (15) "Timers" means a device provided to terminate the exposure at
16 a preset time interval.

17 (16) "Ultraviolet radiation" means radiation that has a wavelength
18 between two hundred nanometers and four hundred nanometers.

19 NEW SECTION. **Sec. 3.** (1) Prior to the operation of any
20 tanning device used by the public for a fee or other compensation, the
21 owner or operator shall file an application with the department to
22 register each tanning device.

23 (2) If the owner or operator owns or operates more than one tanning
24 facility, the owner or operator shall file a separate application for
25 each facility owned or operated.

26 (3) Registration application shall be made on forms furnished by
27 the department.

28 (4) A validation certificate or acknowledgement of validation will
29 be issued by the department.

1 (5) The certificate issued by the department shall be effective for
2 one year beginning October 1 and continuing through September 30.

3 (6) The certificate shall be displayed in a conspicuous place on
4 the premises of the tanning facility.

5 (7) The department will provide an identification number for
6 attachment to each tanning device:

7 (a) Identification numbers shall not be removed without written
8 permission of the department; and

9 (b) Identification numbers shall not be defaced.

10 (8) The registrant shall notify the department in writing before
11 making any change which would render the information contained in the
12 application for registration or the validation of registration no
13 longer accurate.

14 (9) No registration may be transferred from one person to another
15 person, from one tanning facility to another tanning facility, or from
16 one tanning device to another tanning device.

17 (10) In the event of a change in ownership, the new owner will be
18 required to apply for a registration of the tanning device within
19 thirty days after taking possession of the property.

20 (11) Tanning facilities already in existence at the time of the
21 effective date of this act may continue to operate. The facility shall
22 be given priority in the inspection process by the department.
23 However, if a tanning facility fails to meet the standards, it may be
24 prohibited from continuing to operate until such time as it has met
25 those standards through evaluation by the department's inspectors or
26 through a hearing held by the department.

27 NEW SECTION. **Sec. 4.** (1) The registrant shall be responsible
28 for directing the operation of the tanning facility that has been
29 registered with the department. That individual or individual's agent

1 shall assure that the provisions of this chapter are met in the
2 operation of tanning devices.

3 (2) A tanning device that does not meet the provisions of this
4 chapter shall not be operated.

5 (3) The registrant shall assure that the tanning facility complies
6 with all applicable federal laws and regulations.

7 NEW SECTION. **Sec. 5.** Unless otherwise ordered or approved by
8 the department, each tanning facility shall be constructed, operated,
9 and maintained to meet the following minimum requirements:

10 (1) Physical facilities:

11 (a) All tanning facilities shall be equipped with convenient toilet
12 facilities and dressing rooms. Such toilet facilities shall include a
13 water closet and hand-washing sinks. Such toilet and dressing rooms
14 shall be properly maintained, as well as meet all state and local
15 codes.

16 (b) All areas of the tanning facility shall be ventilated with at
17 least six air changes per hour or as required by local code.

18 (c) Tanning booth temperature shall be maintained below one hundred
19 degrees Fahrenheit (thirty-eight degrees centigrade) during booth
20 operation.

21 (d) The tanning device shall meet the national fire protection
22 association's national electrical code, or be approved by the
23 underwriter laboratories or electrical testing laboratories.

24 (e) Except as otherwise noted by the department, each tanning
25 facility shall be constructed, operated, and maintained in accordance
26 with applicable city, county, and state codes.

27 (2) Cleaning and maintenance:

1 (a) All areas of the tanning facility, including tanning devices,
2 equipment, and apparatus, shall be maintained in a clean and sanitary
3 manner and in accordance with manufacturer's instructions.

4 (b) The tanning device or devices and protective eyewear shall be
5 cleaned with an approved sanitizer after each use. The ultraviolet
6 light produced by the tanning device itself is not considered an
7 adequate sanitizing agent.

8 (c) Clean sanitary towels shall be provided to all patrons using
9 tanning facilities.

10 (d) A hamper or receptacle must be provided for all soiled towels
11 and linen.

12 NEW SECTION. **Sec. 6.** A tanning facility shall have each
13 customer and read and sign a statement warning that:

14 (1) Not wearing the protective eyewear provided to each customer by
15 the tanning facility may cause damage to the eyes.

16 (2) Overexposure to the tanning process may cause burns.

17 (3) Repeated exposure to the tanning process may cause skin cancer
18 or premature aging of the skin or both.

19 (4) Abnormal skin sensitivity or burning may result from the
20 tanning process if the customer is also consuming or using certain:

21 (a) Foods;

22 (b) Cosmetics; or

23 (c) Medications such as tranquilizers, antineoplastics, or birth
24 control pills.

25 (5) Any person taking a prescription or over-the-counter drug
26 should consult a physician before using a tanning device.

27 NEW SECTION. **Sec. 7.** (1) The registrant shall conspicuously
28 post the warning sign described in subsection (2) of this section

1 within one meter of each tanning station and in such a manner that the
2 sign is clearly visible, not obstructed by any barrier, equipment, or
3 other object, and is easily viewed by the consumer before operating the
4 tanning device.

5 (2) The warning sign in subsection (1) of this section shall use
6 upper and lower case letters which are at least ten millimeters and
7 five millimeters in height, respectively, and shall have the following
8 wording:

9 DANGER - ULTRAVIOLET RADIATION

10 - Follow instructions.

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

14 - Wear protective eyewear.

15 FAILURE TO USE PROTECTIVE EYEWEAR

16 MAY RESULT IN SEVERE BURNS OR

17 LONG-TERM INJURY TO THE EYES.

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

22 - If you do not tan in the sun, you are unlikely to tan from the use of
23 this product.

24 NEW SECTION. **Sec. 8.** (1) The registrant shall provide
25 protective eyewear to each consumer for use during any use of tanning
26 devices.

1 (2) The protective eyewear in subsection (1) of this section shall
2 meet the requirements of 21 C.F.R. Part 1040, Sec. 1040.20(c)(5).

3 (3) Tanning facility operators shall ensure that consumers wear the
4 protective eyewear required by this section.

5 NEW SECTION. **Sec. 9.** The registrant shall certify that all
6 tanning device operators are adequately trained in at least the
7 following:

8 (1) The requirements of this chapter;

9 (2) Procedures for correct operation of the tanning facility and
10 tanning devices;

11 (3) Recognition of injury or overexposure to ultraviolet radiation;

12 (4) The tanning device manufacturer's procedures for operation and
13 maintenance of the tanning devices;

14 (5) The determination of skin type of customers and appropriate
15 determination of duration of exposure to registered tanning devices;
16 and

17 (6) Emergency procedures to be followed in case of injury.

18 NEW SECTION. **Sec. 10.** The registrant shall establish and use
19 a procedure manual that will aid in the protection of the consumer to
20 excessive or unnecessary exposure to ultraviolet light. This manual
21 shall include, but is not limited to, the following:

22 (1) Only one consumer per tanning room at a time; or

23 (a) When two or more tanning devices are used in the same room,
24 only those consumers using tanning devices should be present in the
25 room; and

26 (b) In the case of a consumer using a tanning device who may need
27 the aid or assistance from another person, that individual must also be
28 provided with and wear protective eyewear.

1 (2) No consumer under the age of eighteen, without written parental
2 consent, shall be allowed to use a tanning device. Written consent
3 must be provided on the premises in the presence of an owner/operator,
4 with the parent's understanding of the potential risks involved in
5 overexposure.

6 NEW SECTION. **Sec. 11.** (1) The registrant shall use only
7 tanning devices manufactured in accordance with the specifications set
8 forth in 21 C.F.R. Part 1040, Sec. 1040.20, "Sunlamp Products and
9 Ultraviolet Lamps Intended for Use in Sunlamp Products."

10 (2) Each sunlamp product or ultraviolet lamp used in these
11 facilities shall emit no measurable ultraviolet C radiation.

12 (3) Each ultraviolet lamp contained within the sunlamp product
13 shall be shielded so as to not come into contact with the consumer. A
14 transparent cover shall be used for this purpose.

15 (4) Each tanning booth in which the consumer is in a standing
16 position shall provide a handrail for the consumer to hold onto during
17 operation of the tanning device. Each tanning device shall have,
18 clearly marked, the appropriate position the consumer is to assume
19 prior to operation.

20 (a) The construction of the booth shall be such that it will have
21 the strength to withstand the stress of use and the impact of a falling
22 person.

23 (b) Entry to stand-up booths shall be of rigid construction with
24 doors that are nonlatching and open outwardly.

25 (5) Each tanning device shall prominently display the following
26 label:

27 DANGER - ULTRAVIOLET RADIATION.

28 FOLLOW INSTRUCTIONS CAREFULLY

1 DO NOT ENTER WITHOUT PROTECTIVE EYEWEAR

2 (6) Adequate means shall be provided to enable a consumer to summon
3 assistance from the exposure position.

4 (7) Servicing and repair shall be carried out by a competent person
5 in accordance with the information supplied with the device.

6 (8) Defective or burned out tanning lamps or bulbs shall be
7 replaced with a type intended for use in that device and shall be of
8 the same ultraviolet range (A or B) as the manufacturer specifies, and
9 shall be the original lamp type as specified by the manufacture, or an
10 equivalent lamp approved by the federal food and drug administration.

11 (9) If the ultraviolet tanning device is not in individual
12 cubicles, then suitable screens, curtains, and similar means shall be
13 provided, maintained, and used to prevent unnecessary exposure to
14 ultraviolet radiation of persons other than those using particular
15 items of equipment.

16 (10) The facility operator shall ensure that consumers do not
17 exceed the tan time indicated by the manufacturer.

18 (11) Each timer must be functional and accurate to within ten
19 percent.

20 (12) The registrant shall ensure that the timer is checked annually
21 for accuracy.

22 (13) All tanning devices shall be maintained to the minimum
23 requirements of the manufacturer.

24 NEW SECTION. **Sec. 12.** (1) The registrant shall maintain a
25 record of each consumer's total number of tanning visits, dates, and
26 durations of tanning exposures.

27 (2) The registrant shall maintain a record of each consumer's
28 signature and acknowledgement that they understand the potential risks

1 involved with exposure to ultraviolet radiation and overexposure, and
2 that they have reviewed a photosensitizing drug list.

3 (3) The registrant shall maintain all records of parental consent
4 regarding minors.

5 (4) The registrant shall submit to the department a written report
6 of injury for which medical attention was sought or obtained from the
7 use of registered tanning devices within five working days after
8 occurrence. The report shall include:

9 (a) The name, address, and phone number of the affected individual;

10 (b) The name, location, and phone number of the tanning facility
11 involved;

12 (c) The nature of the actual or alleged injury; and

13 (d) Any other information relevant to the actual or alleged injury
14 to include the date and duration of exposure and any documentation of
15 medical attention sought or obtained.

16 (5) The registrant shall maintain records showing the results of
17 annual timer tests.

18 (6) The registrant shall maintain a record of operator training as
19 required in section 10 of this act.

20 (7) The registrant shall maintain the following information for
21 each tanning device:

22 (a) Manufacturer's equipment manual and any other service related
23 material or instruction;

24 (b) The exposure schedule developed by the manufacturer;

25 (c) Records of surveys, inspections, maintenance, and modifications
26 performed on the tanning device with names of persons performing such
27 services.

28 (8) Records shall be maintained for inspection by the department
29 and shall be so filed as to be readily available for review.

1 NEW SECTION. **Sec. 13.** (1) No person or facility may advertise
2 the use of any ultraviolet A or ultraviolet B tanning device using
3 wording such as "safe," "safe tanning," "no harmful rays," "no adverse
4 effect," or similar wording or concepts.

5 (2) No person, in any advertisement, may refer to the fact that
6 such person, or such person's facility, is registered with the
7 department pursuant to the provisions of this chapter, and no person
8 shall state or imply that any activity under such registration has been
9 approved by the department.

10 NEW SECTION. **Sec. 14.** (1) The department may, upon application
11 therefore or upon its own initiative, grant such exemptions or
12 exceptions from the requirements of this section as it determines are
13 authorized by this chapter and will not result in undue hazard to
14 public health and safety.

15 (2) A phototherapy device used by or under the direct supervision
16 of a physician licensed under chapter 18.57 or 18.71 RCW is exempt from
17 the requirements of this chapter.

18 (3) Any individual is exempt from the provisions of this chapter to
19 the extent that such individual owns a tanning device exclusively for
20 personal use.

21 (4) Tanning devices, while in transit or storage incidental
22 thereto, are exempt from the provisions of this chapter.

23 NEW SECTION. **Sec. 15.** (1) The department may deny, suspend, or
24 revoke registration issued pursuant to this chapter.

25 (a) For any written false statement in the application for
26 registration or in any statement of fact as required by provisions of
27 this chapter;

1 (b) Because of conditions revealed by the application or any
2 report, record, inspection, or other means that would warrant the
3 department to refuse to grant a registration;

4 (c) For operation of the tanning facility in a manner that causes
5 or threatens to cause hazard to the public health or safety;

6 (d) For failure to allow authorized representatives of the
7 department to enter the tanning facility at reasonable times for the
8 purpose of determining compliance with the provisions of this chapter,
9 or an order of the department; or

10 (e) For violation of, or failure to observe any of the terms and
11 conditions of the rules in this chapter, or an order of the department.

12 (2) Except in cases of willfulness or cases in which the public
13 health, interest, or safety requires otherwise, prior to the
14 institution of proceedings for suspension or revocation of a
15 registration, the department shall:

16 (a) Call to the attention of the registrant, in writing, the facts
17 or conduct that may warrant such actions; and

18 (b) Provide reasonable opportunity for the registrant to
19 demonstrate or achieve compliance with all lawful requirements.

20 (3) A person aggrieved by a decision by the department to deny a
21 registration or to suspend or revoke a registration after issuance may
22 request a hearing.

23 (4) The department may terminate a registration upon receipt of a
24 written request for termination from the registrant.

25 NEW SECTION. **Sec. 16.** (1) A person who sells, leases,
26 transfers, or lends tanning devices in this state shall notify the
27 department of the following within thirty days after each sale or
28 installation:

29 (a) Name and address of persons who have received these devices;

1 (b) The manufacture model and serial number of each device; and

2 (c) The date of transfer.

3 (2) No person shall make, sell, lease, transfer, lend, or install
4 tanning devices or the supplies used in connection with such devices
5 unless such supplies and equipment when placed in operation and use,
6 will meet the requirements of this chapter.

7 (3) State identification numbers shall not be removed, altered, or
8 defaced by any vendor doing business in this state, without written
9 permission of the department.

10 NEW SECTION. **Sec. 17.** Sections 1 through 16 of this act shall
11 constitute a new chapter in Title 18 RCW.