

SSB 6663 - S AMD 135

By Senator Kohl-Welles

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Approved eyewear" means eye protection approved for use by the
6 United States food and drug administration under 21 C.F.R. Sec.
7 1040.20.

8 (2) "Department" means the department of health.

9 (3) "Phototherapy device" means equipment that emits ultraviolet
10 radiation used by a health care professional in the treatment of
11 disease.

12 (4) "Tanning device" means any equipment that emits electromagnetic
13 radiation with wavelengths in the air between two hundred and four
14 hundred nanometers used for tanning of the skin, including, but not
15 limited to, a sunlamp, tanning booth, or tanning bed. Tanning device
16 does not include a phototherapy device.

17 (5) "Tanning facility" means any commercial location, place, area,
18 structure, or business that provides a person access to a tanning
19 device.

20 NEW SECTION. **Sec. 2.** (1) A tanning facility must post a written
21 health notice in a conspicuous location that is readily visible to a
22 person intending to use a tanning device.

23 (2)(a) It is unlawful for an operator or employee of a tanning
24 facility to allow a minor under age sixteen to use a tanning device.

25 (b) It is unlawful for an operator or employee of a tanning
26 facility to allow a minor age sixteen but under age eighteen to use a
27 tanning device unless the minor's parent or legal guardian:

28 (i) Appears in person at the tanning facility the first time that
29 the minor uses a tanning device; and

- 1 (ii) Signs a written authorization form.
- 2 (c) The written authorization required by (b) of this subsection
3 must be signed and dated and must include at least:
- 4 (i) Information concerning the health risks associated with the use
5 of a tanning device; and
- 6 (ii) A statement that:
- 7 (A) The parent or legal guardian of the minor has read and
8 understood the warnings given by the tanning facility and authorizes
9 the minor's use of a tanning device;
- 10 (B) The minor's parent or legal guardian agrees that the minor must
11 use approved eyewear; and
- 12 (C) The parent or legal guardian of the minor may revoke the
13 written authorization to the minor's use of a tanning device at any
14 time after the authorization form has been signed.
- 15 (3) The department must adopt by rule standards for: (a) The
16 health notice required by subsection (1) of this section; and (b) the
17 written authorization form required by subsection (2)(b)(ii) of this
18 section.
- 19 (4) A violation of this section is a class 1 civil infraction.

20 NEW SECTION. **Sec. 3.** (1) The department, in consultation with
21 representatives from the tanning facility industry, shall adopt by rule
22 a program to train operators of tanning devices. The training program
23 must include, at a minimum, information regarding the following issues:

- 24 (a) The manufacturer's recommended operation of a tanning device;
- 25 (b) The proper use of approved eye wear;
- 26 (c) The radiation output of tanning equipment as measured under
27 standard operating conditions by a typical user;
- 28 (d) Sanitation standards; and
- 29 (e) Other issues the department and industry representatives deem
30 necessary.

31 (2) The department, in consultation with representatives from the
32 tanning facility industry, shall also determine by rule the frequency
33 of training and retraining of operators of tanning devices.

34 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2011.

1 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act constitute
2 a new chapter in Title 19 RCW."

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3 On page 1, line 1 of the title, after "facilities;" strike the
4 remainder of the title and insert "adding a new chapter to Title 19
5 RCW; prescribing penalties; and providing an effective date."

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