

SENATE BILL REPORT

SB 6663

As of January 31, 2010

Title: An act relating to tanning facilities.

Brief Description: Regulating tanning facilities.

Sponsors: Senators Kohl-Welles, Kilmer, Keiser and Kauffman.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/28/10.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: Tanning occurs when the human body produces melanin, which darkens the skin. Tanning is caused by exposure to ultraviolet (UV) radiation from the sun or artificial UV radiation. Tanning beds or booths are equipment that utilize tanning lamps to expose the skin to UV radiation, which induces tanning.

Numerous states have statewide statutes or rules regulating tanning facilities. These regulations include minimum standards for tanning facilities, restrictions on access for minors, and the licensing, permitting, or registration of tanning facilities. Currently, there are no state wide regulations of tanning facilities in Washington.

Summary of Bill: Tanning Facility Permit. Beginning July 1, 2011, all tanning facilities in the state must annually obtain a permit to do business as a tanning facility from the local health department with jurisdiction over the location in which the tanning facility is located.

Health Notice. A tanning facility must post a written health notice in a conspicuous location that is readily visible to a person intending to use a tanning device. The Department of Health (Department) must adopt by rule standards for the notice.

Access for Minors. It is unlawful for an operator or employee of a tanning facility to allow a minor under the age of 14 to use a tanning device unless the minor, or the minor's parents or guardian, presents a written prescription for receiving ultraviolet radiation treatment from a licensed physician.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An operator or employee of a tanning facility may allow a minor over the age of 14, but under the age of 18, to use a tanning device if the minor's parent or legal guardian:

1. appears in person at the tanning facility the first time the minor uses a tanning device; and
2. signs a written consent form.

Written Consent Form. The Department must adopt by rule standards for a written parental consent form allowing a minor to use a tanning device. The written consent form must be signed, dated, and include information concerning the health risks associated with the use of a tanning device and a statement including:

1. the parent or legal guardian of the minor has read and understood the warnings given by the tanning facility and consents to the minor's use of a tanning device;
2. the minor's parent or legal guardian agrees that the minor must use approved eyewear; and
3. the parent or legal guardian of the minor may revoke the written consent form at any time.

Penalty. A violation of the provisions is a Class 1 civil infraction, and may result in the revocation of a permit to do business as a tanning facility.

Appropriation: None.

Fiscal Note: Requested on January 26, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2011.

Staff Summary of Public Testimony: PRO: The FDA is debating tougher warnings on tanning beds. Caution is needed for young people using tanning facilities.

CON: The bill is flawed in content and process. There has been no attempt to seek input from the business that are going to be affected by this legislation. We should step back and evaluate the bill. No one in the business objects to education, licensing, or regulation. This bill should include an educational component. We want a seat at the table when these rules are being enacted. Each salon provides jobs and local property taxes. We want to preserve a parent's right to choose.

OTHER: The Washington State Dermatology Association (WSDA) does have serious concerns on the proposed ban on tanning beginning at the age of 14. The WSDA strongly advocates the committee to follow the recommendations of the World Health Organization recommendation to ban indoor tanning under 18 years of age. The only exception to the ban would be if a person had a prescription from their physician to use the tanning bed for a significant skin problem. It has been clearly established that people who use tanning beds before the age of 35 have a 75 percent lifetime increase in the risk of developing melanoma. We know the use of tanning beds in adulthood is risky, so why does it matter if the age is 14, 16, or 18? Studies show that young people begin tanning after the age of 14. Allowing tanning at age 14 misses the majority of children who are about to begin their tanning

careers. For this reason we suggest raising the limit to 16 or 18. This bill will improve the health of our citizens. Please pass this bill with age amendments. Using tanning beds was almost like an addiction. The new high powered tanning beds only require you to stay only a few minutes to get a tan. The regulations for parental consent will be beneficial to keep parents and children aware of the repercussions tanning beds can cause. The frequent indoor tanning users are those that are at increased risk for skin cancer. Childhood sunburns are a major risk factor for melanoma. Children who tan get more moles and more moles are an increased risk for melanoma. Tanning beds have been shown to admit significant amounts of UV radiation. Research has shown lack of knowledge in people who operate tanning beds. More studies are showing that people can become addicted to tanning. Indoor tanning is associated with addictive behaviors. The Indoor Tanning Association (ITA) is not opposed to statewide regulations and professionalism in the industry. Consistency with other states is important and this bill is moving in that direction. The ITA does have concerns with the language regarding accepting written prescriptions in a retail facility. Parental consent is important in our industry. The small issue is leaving it to the local health departments. It should be the state and not local health agencies. Concerned about the financial impact it will have on the industry. We support parental consent, but I would be upset if you told my child they could not tan. The cost of dollars pales in comparison to the cost of a life. The science is in, tanning beds are dangerous.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor.

CON: Daniel Mann, Tropical Tan.

OTHER: Sasha Kramer, MD, Washington State Dermatology Association; Michelle Neary, Maggie Moore, Peter Rasmussen, citizens; Robin Hornung, MD, The Everett Clinic; James Curry, Indoor Tanning Association; Mark Wiward, Desert Sun Tanning.