

SENATE BILL REPORT

SB 6663

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 4, 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, 2/04/10 [DPS, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 6663 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Minority Report: Do not pass.

Signed by Senators Honeyford and King.

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 (Recommended Substitute): 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 (DOH) must adopt by rule standards for the notice.

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.

Access for Minors. It is unlawful for an operator or employee of a tanning facility to allow a minor under the age of 18 to use a tanning device.

Penalty. A violation of the provisions is a Class 1 civil infraction.

Training. The DOH, in consultation with representatives from the tanning facility industry, must adopt by rule a program to train operators of tanning devices. The training program must include, at a minimum, information regarding the following issues:

1. the manufacturer's recommended operation of a tanning device;
2. the proper use of approved eye wear;
3. the radiation output of tanning equipment as measured under standard operating conditions by a typical user;
4. sanitation standards; and
5. other issues the department and industry representatives deem necessary.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute): The recommended substitute:

1. removes the requirement that a tanning facility obtain a permit to do business;
2. extends the tanning ban to minors under the age of eighteen; and
3. requires the DOH, in consultation with representatives from the tanning facility industry, to adopt by rule a program to train operators of tanning devices.

Appropriation: None.

Fiscal Note: Available on Original Bill.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: 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 parents 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 pails 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.