

SENATE BILL REPORT

SB 6249

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, January 30, 2012

Title: An act relating to tanning facilities.

Brief Description: Concerning tanning facilities.

Sponsors: Senators Kohl-Welles, Regala, McAuliffe, Keiser, Murray and Conway.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/23/12, 1/26/12, 1/30/12
[DPS, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 6249 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator Holmquist Newbry, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senator King, Assistant Ranking Minority Member.

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.

Some states and local jurisdictions have 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): Tanning Regulations. Persons under the age of 18 are prohibited from using an UV tanning device. Proof of age is satisfied with a driver

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license or other government-issue identification containing the date of birth and a photograph of the individual.

Any tanning device used by a tanning facility must comply with all applicable federal laws and regulations.

Warning Sign. All tanning facilities must post a warning sign in any area where an UV tanning device is used that is visible to a person using the device. The liability of a tanning facility operator or a manufacturer of an UV tanning device is not changed by posting a warning sign.

A tanning facility may also include language in the sign that spray on tans and other sunless tanning products are not subject to the same effects as UV tanning devices.

Advertising. A tanning facility may not claim or distribute promotional materials that claim using an UV tanning device is safe, or free from risk, or that indoor tanning has any known health benefits.

Complaints. A tanning facility must forward all customer health and safety complaints to the Department of Health (DOH.) The tanning facility must submit the health and safety complaints within five days after the date the complaint was received.

Enforcement. A first violation is a class 1 infraction. Each day a first violation continues constitutes a separate infraction. Any violation subsequent to a first violation is a misdemeanor. Each day a subsequent violation continues constitutes a separate misdemeanor.

A tanning facility that violates the regulations is liable for a civil penalty not to exceed \$2,500 per day in addition to any other penalty established by law.

Department of Health. Beginning December 1, 2013, DOH must create and submit a complaint report to the Legislature annually.

Exemptions. The tanning regulations do not apply to a phototherapy device used by or under the direct supervision of a licensed physician who is trained in the use of phototherapy devices.

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

- Limits customer complaints to health and safety issues. Directs complaints be made to DOH's website instead of general customer service.
- Specifically requires tanning facilities to forward all customer health and safety complaints to DOH, instead of general customer complaints.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is about awareness and that young people under the age of 18 should not be customers of tanning salons. Tanning beds do not give health benefits that cannot be obtained from other sources. In Washington State we need to start over with regulations on tanning. The tanning industry is not regulated at the federal or state level. There are currently no training requirements for tanning facility employees. Spray-on tanning is a safe alternative to tanning beds. The science is clear. I wish someone would have stopped me as a kid from tanning. There is overwhelming agreement in the science community that tanning beds are linked to skin cancer. We don't let kids smoke, because it is bad for your health. Why are we letting kids tan? The fiscal impact is going to be small from the Department of Health. We have some small amendment suggestions. This bill will save lives. This industry is a known threat to public health.

CON: We believe there is not a settled science that tanning beds cause cancer. The tanning industry would prefer less restriction in Section five of the bill. Reporting all consumer complaints to the Department of Health is confusing. It would be very expensive to enforce. The FDA already restricts the tanning business. The beds are set at a maximum dose of exposure time to protect people. We are in support of some sort of formal training for tanning bed operators. We need to work together to get somewhere. The bill does not address that anyone can set up a tanning bed in apartments and condos. We already do all of the safety regulations in the bill. There are about 400 tanning salons in the state. The tanning industry is part of community. We are not bad. The CDC says that 8,000 people dies from melanoma in 2010. That is far less than individuals that died from smoking.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Sasha Krammer, MD, WA State Dermatology Assn.; Briana Grout, citizen; Mary Anne Guichard, WA Department of Health; Peter Rasmussen, Melanoma International Foundation.

CON: James Curry, Bradley Kelly, Daniel Mann, WA State Indoor Tanning Council; Brooke Taylor, Scott Swerland, WA State Tanning Council.