
SENATE BILL 6249

State of Washington 62nd Legislature 2012 Regular Session

By Senators Kohl-Welles, Regala, McAuliffe, Keiser, Murray, and Conway

Read first time 01/16/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to tanning facilities; adding a new chapter to
2 Title 18 RCW; and prescribing penalties.

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

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

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

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

10 (3) "Tanning device" means an ultraviolet tanning device and any
11 accompanying equipment including, but not limited to, protective
12 eyewear, timers, and handrails.

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

15 (5) "Ultraviolet tanning device" means equipment that emits
16 electromagnetic radiation with wavelengths in the air between 200 and
17 400 nanometers used for tanning of the skin including, but not limited
18 to, a sunlamp, tanning booth, or tanning bed.

1 NEW SECTION. **Sec. 2.** This chapter does not apply to a
2 phototherapy device used by or under the direct supervision of a
3 licensed physician who is trained in the use of phototherapy devices.

4 NEW SECTION. **Sec. 3.** Any tanning device used by a tanning
5 facility shall comply with all applicable federal laws and regulations.

6 NEW SECTION. **Sec. 4.** (1) A tanning facility shall conspicuously
7 post a warning sign in any area where an ultraviolet tanning device is
8 used that is readily visible to a person using an ultraviolet tanning
9 device. The sign must read as follows:

10 DANGER: ULTRAVIOLET RADIATION

11 1. Follow instructions.

12 2. Avoid too frequent or too lengthy exposure. As with natural
13 sunlight, exposure can cause eye and skin injury and allergic
14 reactions. Repeated exposure may cause skin cancer and chronic sun
15 damage characterized by wrinkling, dryness, fragility, and bruising of
16 the skin.

17 3. Wear protective eyewear.

18 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR
19 LONG-TERM INJURY TO THE EYES.

20 4. Ultraviolet radiation from sunlamps will aggravate the effects
21 of the sun. Therefore, do not sunbathe before or after exposure to
22 ultraviolet radiation.

23 5. Medications or cosmetics may increase your sensitivity to
24 ultraviolet radiation. Consult a physician before using a sunlamp if
25 you are using medications, have a history of skin problems, or believe
26 you are especially sensitive to sunlight. Pregnant women or women on
27 birth control pills who use this product may develop discolored skin.

28 IF YOU ARE UNABLE TO ACHIEVE A TAN IN THE SUN YOU WILL NOT TAN FROM
29 USE OF THIS DEVICE.

30 6. If you have a complaint about this tanning facility such
31 complaint should be directed to the department of health's office of
32 customer service.

1 (2) A tanning facility may include in the warning sign described in
2 subsection (1) of this section the following statement: "Spray on tans
3 and other sunless tanning products are not subject to the same effects
4 as ultraviolet tanning devices."

5 (3) A tanning facility may not claim, or distribute promotional
6 materials that claim, using an ultraviolet tanning device is safe or
7 free from risk or that indoor tanning has any known health benefits.

8 (4) The liability of a tanning facility operator or a manufacturer
9 of an ultraviolet tanning device is not changed by posting the warning
10 under this section.

11 NEW SECTION. **Sec. 5.** (1) Persons under eighteen years of age are
12 prohibited from using an ultraviolet tanning device.

13 (2) Proof of age must be satisfied with a driver's license or other
14 government-issued identification containing the date of birth and a
15 photograph of the individual.

16 NEW SECTION. **Sec. 6.** (1) A tanning facility shall forward all
17 customer complaints to the department. The tanning facility shall
18 submit the complaint within five days after the date the complaint was
19 received.

20 (2) The department must create and submit a complaint report to the
21 legislature annually, beginning December 1, 2013.

22 NEW SECTION. **Sec. 7.** (1) A first violation of this chapter is a
23 class 1 infraction. Each day a first violation continues constitutes
24 a separate infraction.

25 (2) Any violation of this chapter subsequent to a first violation
26 is a misdemeanor under RCW 9A.20.021. Each day a subsequent violation
27 continues constitutes a separate misdemeanor.

28 (3) A tanning facility that has violated this chapter is liable for
29 a civil penalty not to exceed two thousand five hundred dollars per day
30 in addition to any other penalty established by law.

31 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
32 a new chapter in Title 18 RCW.

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