

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 395

Date: 5-26-09

(Filing No. S-227)

R. 048 1

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

6

SENATE

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124TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 137, L.D. 395, "Resolve, To Further Regulate the Use of Tanning Booths by Minors"

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Amend the resolve by striking out everything after the title and before the summary and inserting the following:

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'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, the use of tanning facilities by minors presents a potentially serious public health issue; and

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Whereas, the adoption of rules regarding the use of tanning facilities by minors is necessary to protect minors from exposure to ultraviolet radiation prior to the coming summer season; and

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Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

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Sec. 1. Amend the rules for the use of tanning equipment. Resolved: That the Department of Health and Human Services shall amend the rules for the use of tanning facilities by minors in Rule Chapter 223, Part T as provided in this section. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The rules must:

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1. For minors under 14 years of age, prohibit the use of tanning devices;

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2. For minors 14 years of age and older:

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A. Require the tanning facility operator to confirm the identification of the minor and the minor's parent or legal guardian;

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B. Require the tanning facility to obtain the written consent of the minor's parent or legal guardian and written acknowledgement by the minor and the parent or legal

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COMMITTEE AMENDMENT

1 guardian that they have read and understood the information required to be disclosed
2 by Rule Chapter 223, Part T, section 12, paragraph A, subparagraphs (1) and (3).
3 Both written consent and written acknowledgement must be executed in the presence
4 of the operator of the tanning facility;

5 C. Limit the effect of the parent or legal guardian's written consent to one year and
6 allow revocation of consent by the parent or legal guardian at any time; and

7 D. Require the presence of the minor's parent or legal guardian for minors 14 and 15
8 years of age.

9 The department shall amend the rules to provide an increase in the licensing fees for
10 tanning facilities to assist in covering the cost of regulation of the facilities; and be it
11 further

12 **Sec. 2. Work group; report. Resolved:** That the Department of Health and
13 Human Services shall convene a work group of representatives of operators of tanning
14 facilities and representatives of a statewide consortium active in the prevention and
15 treatment of skin cancer and other interested parties to examine existing rules, training
16 requirements and compliance issues and funding methods and shall report to the Joint
17 Standing Committee on Health and Human Services by January 15, 2010. The
18 department shall provide notification of the dates, times and locations of the meetings of
19 the work group to members of the joint standing committee. The joint standing committee
20 is authorized to submit legislation on the report to the Second Regular Session of the
21 124th Legislature.

22 **Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.'

24 **SUMMARY**

25 This amendment is the majority report of the committee and replaces the resolve. It
26 adds emergency language and requires the Department of Health and Human Services to
27 adopt rules regarding the use of tanning facilities by minors. It requires the department to
28 convene a work group of interested parties and to report to the Joint Standing Committee
29 on Health and Human Services by January 15, 2010. It authorizes the committee to
30 submit legislation to the Second Regular Session of the 124th Legislature.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 395

LR 441(02)

Resolve, To Further Regulate the Use of Tanning Booths by Minors

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed by the department utilizing existing budgeted resources. Additional revenue collected is also assumed to be minor.