

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 272

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S.P. 105

In Senate, February 7, 2013

### An Act To Reduce Youth Cancer Risk

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative COOPER of Yarmouth and  
Senators: BOYLE of Cumberland, SAVIELLO of Franklin, Representatives: AYOTTE of  
Caswell, CHIPMAN of Portland, LONG of Sherman, PRINGLE of Windham, REED of  
Carmel, WELSH of Rockport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §689-A** is enacted to read:

3 **§689-A. Tanning facilities; minors**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Operator" means a person designated by the owner of a tanning facility or the  
7 lessee of a tanning device to operate, or to assist and instruct in the operation and use  
8 of, a tanning facility or tanning device.

9 B. "Tanning device" means equipment that emits electromagnetic radiation having  
10 wavelengths in air between 200 and 400 nanometers that is used for the tanning of  
11 human skin. "Tanning device" includes a sunlamp, tanning booth or tanning bed.

12 C. "Tanning facility" means any location, place, area, structure or business that  
13 provides persons access to a tanning device, including tanning salons, health clubs,  
14 apartments and condominiums, regardless of whether a fee is charged for access to  
15 the tanning device, except that "tanning facility" does not include:

16 (1) The practice of a health practitioner licensed under Title 32 who uses  
17 diagnostic or therapeutic equipment that emits ultraviolet radiation and whose  
18 scope of license prior to the effective date of this section includes the intentional  
19 exposure of individuals to sources of radiation for diagnostic or treatment  
20 purposes; or

21 (2) The residence of an individual who owns a tanning device exclusively for  
22 personal, noncommercial use.

23 **2. Prohibition.** An owner of a tanning facility, a lessee of a tanning device or an  
24 operator may not allow an individual who has not yet reached 18 years of age to use a  
25 tanning device. Proof of age may be satisfied with a driver's license or other government-  
26 issued identification containing the date of birth and a photograph of the individual.

27 **3. Notice.** An owner of a tanning facility or a lessee of a tanning device shall post in  
28 a conspicuous place in the tanning facility notice, in a form developed by the department,  
29 that it is unlawful for a tanning facility or operator to allow a person under 18 years of  
30 age to use a tanning device, that a tanning facility or operator that violates the provisions  
31 of this section is subject to penalties and that an individual may report a violation of this  
32 section to the radiation control program of the Maine Center for Disease Control and  
33 Prevention.

34 **4. Violation; penalty.** A person that violates this section is subject to penalties in  
35 accordance with section 690.

36 **SUMMARY**

37 This bill prohibits tanning facilities and operators from allowing individuals who  
38 have not attained 18 years of age to use tanning devices.