

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1297

H.P. 940

House of Representatives, March 19, 2019

An Act To Reduce Youth Cancer Risk

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator MOORE of Washington and
Representatives: HANINGTON of Lincoln, HYMANSON of York, MADIGAN of Waterville,
McCREIGHT of Harpswell, MEYER of Eliot, Senators: DAVIS of Piscataquis, ROSEN of
Hancock, VITELLI of Sagadahoc.

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. "Phototherapy device" means equipment that emits ultraviolet radiation and is
10 used in the diagnosis or treatment of disease or injury.

11 C. "Tanning device" means equipment that emits electromagnetic radiation having
12 wavelengths in air between 200 and 400 nanometers that is used for the tanning of
13 human skin and any equipment used with that equipment, including but not limited to
14 protective eyewear, timers and handrails. "Tanning device" includes a sunlamp,
15 tanning booth or tanning bed but does not include a phototherapy device used or
16 prescribed for use by a physician.

17 D. "Tanning facility" means a location, place, area, structure or business that
18 provides persons access to a tanning device, including tanning salons, health clubs,
19 apartments and condominiums, regardless of whether a fee is charged for access to
20 the tanning device.

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

25 **3. Notice.** An owner of a tanning facility or a lessee of a tanning device shall post in
26 a conspicuous place in the tanning facility notice, in a form developed by the department:

27 A. That it is unlawful for a tanning facility, a lessee of a tanning device or an
28 operator to allow an individual under 18 years of age to use a tanning device;

29 B. That a tanning facility, a lessee of a tanning device or an operator that violates the
30 provisions of this section is subject to penalties;

31 C. That an individual may report a violation of this section to the local law
32 enforcement agency or radiation control program of the Maine Center for Disease
33 Control and Prevention; and

34 D. That the health risks associated with tanning include but are not limited to skin
35 cancer, premature aging of the skin, burns to the skin and adverse reactions to certain
36 medications, foods and cosmetics.

37 **4. Written statement.** An owner of a tanning facility, a lessee of a tanning device
38 or an operator shall provide to every customer prior to that customer's first use in that
39 calendar year of that particular tanning device a written statement that must be signed by

1 the customer prior to use of the tanning device. The statement must be developed by the
2 department and must include:

3 A. The information required in the notice set forth in subsection 3;

4 B. An acknowledgment signed by the customer indicating that the customer
5 understands the notice posted in accordance with subsection 3 and the information set
6 forth pursuant to paragraph A; and

7 C. An agreement that the customer will use protective eyewear.

8 **5. Duties of owner.** An owner of a tanning facility, a lessee of a tanning device or
9 an operator shall ensure that:

10 A. An individual under 18 years of age is not permitted to use the tanning facility;

11 B. There is present at the tanning facility during its hours of operation an operator
12 who is able to inform customers about, and assist customers in, the proper use of
13 tanning devices;

14 C. Each tanning device is properly sanitized after each use;

15 D. Before a customer uses a tanning device, the customer is provided, at no cost,
16 with properly sanitized and securely fitting protective eyewear that protects the
17 customer's eyes from ultraviolet radiation and allows enough vision to maintain
18 balance;

19 E. A customer is not allowed to use a tanning device unless the customer uses
20 protective eyewear;

21 F. A customer is shown how to use physical aids including handrails and markings
22 on the floor to maintain a proper exposure distance from the tanning device as
23 recommended by the manufacturer;

24 G. A timing device that is accurate within 10% of any selected timer interval is used
25 and is remotely located so customers cannot set their own exposure time;

26 H. Each tanning device is equipped with a mechanism that allows the customer to
27 turn the tanning device off;

28 I. A customer is limited to the maximum exposure time recommended by the
29 manufacturer for that customer's skin type;

30 J. A customer is not allowed to use a tanning device more than once every 24 hours;

31 K. The interior temperature of the tanning facility does not exceed 100 degrees
32 Fahrenheit; and

33 L. The following records are maintained: copies of all consent forms signed by
34 customers; a record of a customer's total number of uses of a tanning device at the
35 facility; the dates and durations of uses of a tanning device; and any injury reports for
36 a period of 3 years after tanning device use for each customer.

37 **6. Duties of customer.** A customer may not use a tanning device of a tanning
38 facility unless the customer:

