

HB 1822 -- LICENSURE OF TANNING FACILITIES

SPONSOR: Cooper

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 5 to 4.

This bill establishes provisions regarding the licensure of tanning facilities by the Department of Health and Senior Services. In its main provisions, the bill:

- (1) Prohibits any person from operating a tanning facility without a license from the department and requires all licenses to be conspicuously displayed in the facility;
- (2) Requires facilities to provide written warning statements to every customer requiring their signature prior to the use of any tanning device and before the renewal of a contract and to post signs warning of ultraviolet radiation and its long-term effects on the human body;
- (3) Requires facilities to have operators on duty who are knowledgeable in the correct operation of all tanning equipment on the premises, provide customers with eye protection, show customers how to use all physical aids within the facility, use accurate timers on all devices, maintain a control that allows for the manual termination of lamps, limit exposure to that recommended by the manufacturer, and control the facility's interior temperature so that it doesn't exceed 100 degrees Fahrenheit;
- (4) Requires all customers to sign a written statement that they have read and understand all warnings presented by the facility and agree to wear the protective eyewear before being allowed to use any device within the facility;
- (5) Prohibits individuals younger than 16 years of age from using a tanning device. Before individuals younger than 18 years of age can use any device, his or her parent or guardian must go to the facility and sign a written statement acknowledging that he or she has read and understands all the warnings given by the facility and consents to the minor's use of a tanning device;
- (6) Authorizes the department director to establish rules regarding the issuance and renewal of licenses; standards of hygiene which must be maintained by facilities; and procedures to grant, deny, suspend, revoke, or reinstate licenses; and
- (7) Creates the Tanning Facility Fund for the deposit of fees collected for the purpose of administering the provisions of the

bill.

Anyone violating a provision of the bill will be guilty of a class C misdemeanor.

FISCAL NOTE: No impact on General Revenue Fund in FY 2011, FY 2012, and FY 2013. Estimated Effect on Other State Funds of an income of \$0 in FY 2011, a cost of \$89,296 in FY 2012, and an income of \$319,340 in FY 2013.

PROPOSERS: Supporters say that currently there are no state laws for the licensure of tanning facilities so the bill will help regulate these facilities. Skin cancer is the most common type of cancer, and melanoma is the leading cause of cancer in younger women. Tanning beds emit ultraviolet radiation 10-15 times greater than that of natural light. Diagnosis and treatment of skin cancer is costly to society because the State Medicare Program is the leading payer for cancer treatments. Ultraviolet radiation from tanning beds causes melanoma, and there are overwhelming statistics to prove that melanoma can be caused from tanning. The diagnosis of melanoma has dramatically increased in women between the ages of 15 and 29 due to the increased use of tanning beds.

Testifying for the bill were Representative Cooper; Brundha Balaraman; Sandi Huls; Dr. Angel Allen, Missouri Dermatology Society; Amy Metzger; Dr. Ian McCaslin, MO HealthNet; and Missouri State Medical Association.

OPPOSERS: Those who oppose the bill say that it is unnecessary and will do nothing to improve public health. Indoor tanning facilities are already strictly regulated by the federal Food and Drug Administration which requires warning signs, use of eyewear, maximum timer intervals, and equipment output. The required inspection program mandated by the bill will be expensive to the businesses as well as to the state and will take resources away from critical public health initiatives. Indoor tanning facilities are typically small businesses that are already suffering in the current recession, and additional restrictions on these businesses and the accompanying fees will harm the businesses as well as cost jobs and cause loss of tax revenue.

Testifying against the bill was John Overstreet, Indoor Tanning Association.