

FIRST REGULAR SESSION

# HOUSE BILL NO. 851

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CROSS (Sponsor), RIDDLE, LICHTENEGGER, RICHARDSON, ZERR, NANCE, LAUER, BROWN (116), McCAHERTY, BLACK, JONES (63), NASHEED, ALLEN, SCHNEIDER, LONG, HOUGHTON, FITZWATER AND McNEIL (Co-sponsors).

1968L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 577, RSMo, is amended by adding thereto one new section, to be known as section 577.665, to read as follows:

**577.665. 1. As used in this section, the following terms shall mean:**

(1) "Tanning device", any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin, including but not limited to a sunlamp, tanning booth or tanning bed;

(2) "Tanning facility", any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation.

2. Prior to any person less than eighteen years of age using a tanning device in a tanning facility, a parent or guardian of such person shall appear in person at the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person's use of a tanning device at the tanning facility.

3. The department of health and senior services shall, by rule, develop a standard consent form to be used by all tanning facilities operating in this state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **delegated in this section shall become effective only if it complies with and is subject to all**  
17 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
18 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
19 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
20 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
21 **any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

22 **4. Any person who violates the provisions of this section is guilty of a class C**  
23 **misdemeanor. Any tanning facility that violates the provisions of this section shall be**  
24 **subject to a fine of one thousand dollars for each violation. Every use of a tanning device**  
25 **in a tanning facility in violation of this section is a separate offense.**

26 **5. The enforcement of the provisions of this section shall be provided by existing**  
27 **personnel and resources of law enforcement and the department of health and senior**  
28 **services.**

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