



Senate

General Assembly

File No. 231

January Session, 2003

Substitute Senate Bill No. 833

Senate, April 8, 2003

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INDOOR TANNING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this
2 section:

3 (1) "Consumer" means any individual who is provided access to a
4 tanning facility in exchange for a fee or other compensation, or any
5 individual who, in exchange for a fee or other compensation, is
6 afforded use of a tanning device as a condition or benefit of
7 membership or access;

8 (2) "Operator" means an individual designated by the tanning
9 facility to control operation of the tanning facility and to instruct and
10 assist the consumer in the proper operation of the tanning device;

11 (3) "Protective eyewear" means eyewear in compliance with federal
12 Food and Drug Administration guidelines at 21 CFR 1040.20, as may
13 from time to time be amended;

14 (4) "Tanning device" means any equipment that emits radiation
15 used for tanning of the skin, such as a sunlamp, tanning booth or
16 tanning bed that emits ultraviolet radiation, and includes any
17 accompanying equipment, such as timers or handrails;

18 (5) "Tanning facility" means any place where a tanning device is
19 used for a fee, membership dues or any other compensation.

20 (b) Each tanning facility shall: (1) Post a sign readily visible to
21 persons entering such facility that includes warnings about risks
22 associated with use of a tanning device, instructions for use and notice
23 that consumer complaints may be directed to the Department of Public
24 Health; (2) require consumers, prior to use of any tanning device, to
25 read and sign a statement that includes warnings about failure to use
26 protective eyewear and health risks associated with the use of tanning
27 devices; and (3) instruct consumers on the use of protective eyewear.
28 Operators shall require consumers to wear protective eyewear when
29 using a tanning device, and, if necessary, may lend properly sanitized
30 protective eyewear for a consumer's use while in the facility. Signs and
31 statements required by this subsection shall be approved by the
32 municipal health department or health district for the municipality in
33 which the tanning facility is located.

34 (c) No operator shall allow an unemancipated minor under the age
35 of eighteen to use a tanning device without the written permission of
36 the parent or guardian of such minor on a form approved by the
37 municipal health department or health district for the municipality in
38 which the tanning facility is located. Such written permission shall be
39 signed on the premises at the minor's first visit, and shall expire ninety
40 days after the date it was signed.

41 (d) (1) Any operator who violates any provision of this section shall
42 be fined not more than one hundred dollars or imprisoned not more
43 than ninety days, or both. Any fine shall be payable to the municipal
44 health department or health district for the municipality in which the
45 tanning facility is located.

46 (2) Any municipal health department established under chapter
47 368e of the general statutes, and any district department of health
48 established under chapter 368f of the general statutes, may, within its
49 available resources, enforce the provisions of this section.

This act shall take effect as follows:	
Section 1	October 1, 2003

Statement of Legislative Commissioners:

A reference to "municipal health authority" in subsection (d) was changed to "municipal health department" for consistency.

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Public Health	General Fund - Cost	\$49,800	\$66,400
Comptroller's Miscellaneous Accounts (Fringe Benefits)	General Fund - Cost	\$20,025	\$26,700
Department of Correction	General Fund - Cost	Potential Minimal	Potential Minimal

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

Explanation

Passage of this bill will result in an FY 04 cost to the state of approximately \$69,825. Included in this sum is \$49,800 to support the three-quarter year salary of one Nurse Consultant under the Department of Public Health and \$20,025 in fringe benefit costs, which are budgeted centrally in miscellaneous accounts administered by the Comptroller. (The total fringe benefit reimbursement rate as a percentage of payroll is 40.21 percent, effective July 1, 2002.) This position would be required to respond to consumer complaints regarding tanning facilities and provide technical assistance to local health directors. In FY 05 the annualized cost associated with the Nurse Consultant would be \$93,100 (\$66,400 DPH; \$26,700 fringe benefits).

Local health departments/districts will experience a potential

minimal cost in the course of approving signs and statements. It is anticipated that further enforcement activities would be pursued only to the extent that local resources allow. A potential minimal revenue gain to local governments would result if fines of up to \$100 are collected from tanning facilities found in violation of the bill's provisions.

A maximum cost of \$7,500 per person would result for the Department of Correction should anyone be imprisoned for up to ninety days. It is anticipated that few such cases would occur.

OLR Bill Analysis

sSB 833

AN ACT CONCERNING INDOOR TANNING**SUMMARY:**

This bill imposes certain requirements on tanning facilities and their operators, as well as consumers of such facilities, addressing warning signs and statements, consumer notice, protective eyewear availability and use, and permission for minors to use such devices. Under the bill, a "tanning device" is any equipment emitting radiation used for tanning, such as a sunlamp, tanning booth, or tanning bed emitting ultraviolet radiation. It includes any accompanying equipment, such as timers and handrails. A "tanning facility" is any place where a tanning device is used for a fee, membership dues, or other compensation. The bill also imposes penalties on operators for violations of its provisions. An "operator" is the person designated by the facility to control its operation and to instruct and assist the consumer in the proper use of protective eyewear.

EFFECTIVE DATE: October 1, 2003

SIGNS, STATEMENTS AND PROTECTIVE EYEWEAR

The bill requires each tanning facility to post a visible sign that includes warnings about the risks of tanning devices, instructions for use, and notice that complaints can be made to the Department of Public Health (DPH). The bill requires consumers, before using a tanning device, to read and sign a statement that includes a warning about failure to use protective eyewear and associated health risks from tanning devices.

Tanning facilities must require consumers to wear protective eyewear when using a tanning device and provide instructions on its use. If necessary, facilities can lend properly sanitized protective eyewear for consumers' use.

"Protective eyewear" is eyewear that complies with federal Food and Drug Administration guidelines.

The municipal health department or health district for the town in which the tanning facility is located must approve signs and statements required under the bill.

PERMISSION FOR MINOR'S USE

The bill requires anyone under age 18 seeking to use a tanning device to get the written permission of his parent or guardian on a form approved by the municipal or district health department. The permission is good for 90 days and must be signed on the premises of the tanning facility on the minor's first visit.

VIOLATIONS AND ENFORCEMENT

The bill imposes a fine on a facility operator of up to \$100, imprisonment up to 90 days, or both for violation of the bill's provisions. The bill authorizes municipal and district health departments to enforce the bill's provisions, within available resources, with any fines payable to the municipal or district health department.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 19 Nay 2