



# Senate

General Assembly

**File No. 262**

January Session, 2011

Substitute Senate Bill No. 972

*Senate, March 29, 2011*

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROTECTING MINORS FROM THE HEALTH RISKS  
ASSOCIATED WITH THE USE OF TANNING DEVICES.***

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

1 Section 1. Section 19a-232 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) As used in this section:

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

8 (2) "Minor" means a consumer who is under eighteen years of age;

9 ~~[(2)]~~ (3) "Operator" means an individual designated by the tanning  
10 facility to control operation of the tanning facility and to instruct and  
11 assist the consumer in the proper operation of the tanning device;

12 [(3)] (4) "Tanning device" means any equipment that emits radiation  
 13 used for tanning of the skin, such as a sunlamp, tanning booth or  
 14 tanning bed that emits ultraviolet radiation, and includes any  
 15 accompanying equipment, such as timers or handrails; and

16 [(4)] (5) "Tanning facility" means any place where a tanning device  
 17 is used for a fee, membership dues or other compensation.

18 (b) [Any operator who, knowing that a person is under sixteen years  
 19 of age or under circumstances where such operator should know that a  
 20 person is under sixteen years of age, allows such person to use a  
 21 tanning device without the written consent of a parent or guardian  
 22 shall be fined not more than one hundred dollars.] No minor shall be  
 23 permitted to use a tanning device while at a tanning facility unless,  
 24 prior to the minor's initial use of the tanning device, the operator (1)  
 25 provides written materials concerning the health risks associated with  
 26 the use of tanning devices, including the risks of developing  
 27 melanoma, to both the minor and a parent or guardian accompanying  
 28 the minor, and (2) obtains written consent to the minor's use of the  
 29 tanning device from a parent or guardian accompanying the minor.  
 30 Any operator who fails to comply with the provisions of this  
 31 subsection shall be fined not more than one hundred dollars. Such fine  
 32 shall be payable to the municipal health department or health district  
 33 for the municipality in which the tanning facility is located.

34 (c) Any municipal health department established under this chapter  
 35 and any district department of health established under chapter 368f  
 36 may, within its available resources, enforce the provisions of this  
 37 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	19a-232

PH

Joint Favorable Subst. C/R

GL

**GL**      *Joint Favorable*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Revenue Gain	Minimal	Minimal

**Explanation**

A minimal revenue gain to local and district health departments may result from the collection of fines of up to \$100 from tanning facility operators who allow persons under the age of 18 to use a tanning device without the written consent of a parent or guardian<sup>1</sup>. Since the bill makes enforcement subject to the discretion of municipal health departments and within available resources, it is anticipated that municipal health departments will undertake such activities to the extent that resources allow.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of tanning facility operators that violate the age provision of the bill and that are subsequently fined by a local or district health department.

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<sup>1</sup> Existing law prohibits a person under age 16 from using a tanning device without written consent of a parent or guardian.

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**OLR Bill Analysis****sSB 972*****AN ACT PROTECTING MINORS FROM THE HEALTH RISKS ASSOCIATED WITH THE USE OF TANNING DEVICES.*****SUMMARY:**

This bill increases, from 16 to 18, the age under which a parent or guardian must provide written consent before a tanning facility operator can allow the person to use a tanning device. It adds requirements that the (1) parent or guardian accompany the minor on his or her first visit to the facility to provide the written consent and (2) tanning facility operator provide written materials about the health risks associated with the use of tanning devices, including the risks of developing melanoma. These materials must be provided to both the minor and accompanying parent or guardian before the minor first uses the device.

It deletes the requirements that an operator prohibit someone he or she should know is under age 16 from using a tanning device.

The law, unchanged by the bill, imposes a fine of up to \$100 on a facility operator who violates the underage provision.

The law defines a "tanning device" as 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 or handrails.

EFFECTIVE DATE: October 1, 2011

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 25 Nay 1 (03/07/2011)

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/15/2011)