

By Senator Sobel

31-00601-09

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1                   A bill to be entitled  
2           An act relating to tanning facilities; amending s.  
3           381.89, F.S.; requiring the parent or legal guardian  
4           of a minor to sign a written statement before the  
5           minor is allowed to use a tanning device; providing  
6           requirements for the written statement; revising the  
7           age at which a minor is allowed to use a tanning  
8           device; prohibiting a minor younger than a certain age  
9           from using a tanning device at a tanning facility;  
10          deleting provisions authorizing the use of a tanning  
11          device by certain minors if accompanied by a parent or  
12          legal guardian; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsections (6), (7), and (8) of section 381.89,  
17 Florida Statutes, are amended to read:

18           381.89 Regulation of tanning facilities.—

19           (6) A tanning facility must:

20           (a) During operating hours, have an operator present who is  
21 sufficiently knowledgeable and trained in accordance with rules  
22 of the department in the correct operation of the tanning  
23 devices to inform and assist each customer in the proper use of  
24 the devices.

25           (b) Before each use of a tanning device:

26           1. Properly sanitize that tanning device equipment,  
27 including, without limitation, handrails, headrests, and bed  
28 surfaces; and

29           2. Provide a customer with properly sanitized protective

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30 eyewear that protects the eye from ultraviolet radiation and  
31 allows adequate vision to maintain balance.

32 (c) Show each customer how to use suitable physical aids,  
33 such as handrails and floor markings, to maintain proper  
34 exposure distances recommended by the manufacturer.

35 (d) Use a timer on each tanning device which is accurate  
36 for any selected time interval to plus or minus 10 percent.

37 (e) Limit each customer to the maximum exposure time  
38 recommended by the manufacturer of the tanning device.

39 (f) Maintain the interior temperature of the tanning  
40 facility below 100 °F.

41 (g) Each time a person uses a tanning facility or executes  
42 or renews a contract to use a tanning facility, have the person  
43 sign a written statement acknowledging that he or she has read  
44 and understands the warnings before using the device and that he  
45 or she agrees to use the protective eyewear. Before a minor is  
46 allowed to use the device, the minor's parent or legal guardian  
47 must sign a written statement acknowledging that he or she has  
48 read and understands the warnings and that the minor agrees to  
49 use protective eyewear.

50 (h) Display its license in a public area of the tanning  
51 facility.

52 (i) Report any injury or any complaint of injury to the  
53 department on forms prescribed by the department and provide a  
54 copy of the report to the complainant. The department shall send  
55 to the federal Food and Drug Administration a copy of any report  
56 of an injury occurring in a tanning facility.

57 (j) Keep a record, for a period of not less than 4 years,  
58 of each customer's use of a tanning device.

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59 (7) A tanning facility may not allow a minor between the  
60 ages of 16 ~~14~~ and 18 to use a tanning device unless it has on  
61 file a statement signed and witnessed by the tanning operator or  
62 proprietor of the tanning facility and signed by the minor's  
63 parent or legal guardian stating that the parent or legal  
64 guardian:

65 1. Has read and understands the warnings given by the  
66 tanning facility;~~;~~

67 2. Consents to the minor's use of a tanning device;~~;~~ ~~and~~

68 3. Agrees that the minor will use the provided protective  
69 eyewear;~~;~~ ~~and-~~

70 4. Authorizes a specified number of tanning sessions for  
71 the minor during a 12-month period.

72  
73 A tanning operator or proprietor shall refuse service to a minor  
74 if the minor's parent or legal guardian has not signed the  
75 statement as required by this subsection.

76 (8) A minor younger than 16 years of ~~under the age~~ may not  
77 use a tanning device at a tanning facility ~~of 14 must be~~  
78 ~~accompanied by a parent or legal guardian when using a tanning~~  
79 ~~device.~~

80 Section 2. This act shall take effect July 1, 2009.