

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

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

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 16           Section 1. Subsections (6), (7), and (8) of section  
 17   381.89, 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  
 21   is sufficiently knowledgeable and trained in accordance with  
 22   rules 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

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29           2. Provide a customer with properly sanitized protective  
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.

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 (a) Has read and understands the warnings given by the  
 66 tanning facility;~~;~~

67 (b) Consents to the minor's use of a tanning device;~~;~~ ~~and~~

68 (c) Agrees that the minor will use the provided protective  
 69 eyewear; ~~and~~

70 (d) 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.