

By Senator Sobel

33-00362-13

20131674\_\_

1 A bill to be entitled

2 An act relating to the prevention of cancer in youth;  
3 amending s. 381.89, F.S.; providing a definition;  
4 prohibiting a minor from using a tanning device at a  
5 tanning facility; providing an exception for a minor  
6 who is using a tanning device as prescribed by a  
7 health care provider to treat a medical condition;  
8 requiring the operator or proprietor of a tanning  
9 facility to witness the signing of a written statement  
10 by the parent or legal guardian of the minor before he  
11 or she is allowed to use a tanning device as  
12 prescribed by a health care provider; providing  
13 requirements for the written statement; requiring a  
14 parent or guardian to accompany a minor who is under  
15 the age of 14 during the prescribed tanning sessions;  
16 providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Present subsections (9) through (13) of section  
21 381.89, Florida Statutes, are redesignated as subsections (8)  
22 through (12), respectively, and present subsections (7), (8),  
23 and paragraph (b) of subsection (10) of that section are  
24 amended, to read:

25 381.89 Regulation of tanning facilities.—

26 (7) A tanning facility may not allow a minor ~~between the~~  
27 ~~ages of 14 and 18~~ to use a tanning device. This subsection does  
28 not apply if use of the tanning device is prescribed by a health  
29 care provider. If use of the tanning device is prescribed by a

33-00362-13

20131674

30 health care provider, the tanning facility must have ~~unless it~~  
31 ~~has~~ on file a statement signed by the minor's parent or legal  
32 guardian and witnessed by the operator or proprietor of the  
33 tanning facility stating that the parent or legal guardian:

34 (a) Has read and understands the warnings given by the  
35 tanning facility.

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

37 (c) Agrees that the minor will use the provided protective  
38 eyewear.

39 (d) Authorizes a specified number of tanning sessions for  
40 the minor as prescribed by the minor's health care provider.

41  
42 The number of tanning sessions authorized by the health care  
43 provider may not exceed the number authorized by rules of the  
44 department and the manufacturer's exposure schedule. The parent  
45 or guardian shall accompany a minor who is under the age of 14  
46 during the prescribed tanning sessions. An operator or  
47 proprietor of a tanning facility shall refuse service to a minor  
48 if the minor's parent or legal guardian has not, in the  
49 operator's or proprietor's presence, signed the statement as  
50 required by this subsection.

51 ~~(8) A minor under the age of 14 must be accompanied by a~~  
52 ~~parent or legal guardian when using a tanning device.~~

53 (9) ~~(10)~~ PENALTIES.-

54 (b) Each of the following acts constitutes a misdemeanor of  
55 the second degree, punishable as provided in s. 775.082 or s.  
56 775.083:

57 1. Failing to maintain the records required by this section  
58 or knowingly making false entries in such records.

33-00362-13

20131674\_\_

59           2. Failing to comply with subsection (7) ~~or subsection (8)~~.  
60           Section 2. This act shall take effect July 1, 2013.