

By Senator Sobel

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1                   A bill to be entitled  
2       An act relating to the use of a tanning facility by a  
3       minor; providing a short title; amending s. 381.89,  
4       F.S.; revising the age of a minor prohibited from  
5       using a tanning device at a tanning facility;  
6       prohibiting a minor of any age from using a tanning  
7       device; providing an exception if a health care  
8       provider prescribes tanning sessions for a minor to  
9       treat a medical condition and the tanning facility has  
10      on file a statement signed by the minor's parent or  
11      guardian; requiring the statement to be witnessed by  
12      the operator or proprietor of the tanning facility;  
13      prohibiting a tanning facility from providing a number  
14      of tanning sessions that exceeds the health care  
15      provider's authorization, the department's rules, or  
16      the manufacturer's exposure schedule; requiring a  
17      parent or guardian to accompany a minor who is younger  
18      than 14 years of age during the prescribed tanning  
19      sessions; providing an effective date.  
20

21       WHEREAS, frequent exposure to ultraviolet radiation through  
22      the use of tanning devices increases the risk of developing skin  
23      cancer, including melanoma, the deadliest form of skin cancer,  
24      and

25       WHEREAS, the American Academy of Dermatology estimates that  
26      nearly 2.3 million minors use tanning devices annually, and

27       WHEREAS, the United States Food and Drug Administration  
28      warns that a minor's overexposure to ultraviolet radiation  
29      during childhood greatly increases the chances of developing

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30 skin cancer later in life, and

31 WHEREAS, the Legislature finds that it is in the public  
 32 interest to protect children from the harmful effects of  
 33 ultraviolet radiation through the use of tanning devices by  
 34 restricting a minor's access to such devices unless authorized  
 35 by a health care provider, NOW, THEREFORE,

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. This act may be cited as the "Preventing Youth  
 40 Cancer Act."

41 Section 2. Present subsections (9) through (13) of section  
 42 381.89, Florida Statutes, are redesignated as subsections (8)  
 43 through (12), respectively, and present subsections (7), (8),  
 44 and (10) of that section are amended, to read:

45 381.89 Regulation of tanning facilities.—

46 (7) (a) A tanning facility may not allow a minor ~~between the~~  
 47 ~~ages of 14 and 18~~ to use a tanning device unless:

48 1. The use of the tanning device is prescribed by a health  
 49 care provider to treat a medical condition; and

50 2. The tanning facility ~~it~~ has on file a statement signed  
 51 by the minor's parent or legal guardian and witnessed by the  
 52 operator or proprietor of the tanning facility stating that the  
 53 parent or legal guardian:

54 a. Has read and understands the warnings given by the  
 55 tanning facility; ~~;~~

56 b. Consents to the minor's use of a tanning device; ~~;~~ and

57 c. Agrees that the minor will use the provided protective  
 58 eyewear; and.

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59 d. Authorizes a specified number of tanning sessions for  
60 the minor as authorized by the minor's health care provider.

61 (b) The number of tanning sessions provided by a tanning  
62 facility may not exceed the number of sessions prescribed by the  
63 health care provider, the rules of the department, or the  
64 manufacturer's exposure schedule.

65 (c) The parent or legal guardian must accompany a minor who  
66 is younger than 14 years of age during the prescribed tanning  
67 sessions.

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

70 ~~(9)-(10) PENALTIES.—~~

71 (a) Each of the following acts constitutes a felony of the  
72 third degree, punishable as provided in s. 775.082 or s.  
73 775.083:

74 1. Owning or operating, or soliciting business as, a  
75 tanning facility in this state without first procuring a license  
76 from the department, unless specifically exempted by this  
77 section.

78 2. Obtaining or attempting to obtain a license by means of  
79 fraud, misrepresentation, or concealment.

80 (b) Each of the following acts constitutes a misdemeanor of  
81 the second degree, punishable as provided in s. 775.082 or s.  
82 775.083:

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

85 2. Failing to comply with subsection (7) ~~or subsection (8).~~

86 (c) The court may, in addition to other punishment provided  
87 for, suspend or revoke the license of any licensee under this

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88 section who has been found guilty of any violation listed in  
89 paragraph (a) or paragraph (b).

90 (d) In the event the department or any state attorney shall  
91 have probable cause to believe that a tanning facility or other  
92 person has violated any provision of paragraph (a), an action  
93 may be brought by the department or any state attorney to enjoin  
94 such tanning facility or ~~any~~ person from continuing such  
95 violation, or engaging therein or doing any acts in furtherance  
96 thereof, and for such other relief as to the court seems  
97 appropriate.

98 Section 3. This act shall take effect October 1, 2014.