

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.; prohibiting a minor of any age from using a
5 tanning device at a tanning facility unless a health
6 care provider prescribes use of the device to treat a
7 medical condition and the tanning facility has on file
8 a specified statement signed by the minor's parent or
9 guardian and witnessed by the operator or proprietor
10 of the tanning facility; prohibiting a tanning
11 facility from providing tanning sessions that exceed
12 the number, frequency, or exposure time prescribed by
13 the health care provider or authorized by law or
14 department rule, whichever is less; requiring a parent
15 or guardian to accompany a minor who is younger than
16 14 years of age during the prescribed tanning
17 sessions; conforming a cross-reference; making
18 technical changes; providing an effective date.

19
20 WHEREAS, frequent exposure to ultraviolet radiation through
21 the use of tanning devices increases the risk of developing skin
22 cancer, including melanoma, the deadliest form of skin cancer,
23 and

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

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

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

35
36 Be It Enacted by the Legislature of the State of Florida:

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

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

44 381.89 Regulation of tanning facilities.—

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

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

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

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

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

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

58 d. Authorizes a specified number of tanning sessions for

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59 the minor as prescribed by the minor's health care provider.

60 (b) The tanning sessions provided by a tanning facility may
61 not exceed the number, frequency, or exposure time prescribed by
62 the health care provider or authorized by this section or rules
63 of the department, whichever is less.

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

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

69 ~~(9) (10) PENALTIES.—~~

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

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

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

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

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

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

85 (c) The court may, in addition to other punishment provided
86 for, suspend or revoke the license of any licensee under this
87 section who has been found guilty of any violation listed in

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88 paragraph (a) or paragraph (b).

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

97 Section 3. This act shall take effect October 1, 2016.