SENATE DOCKET, NO. 510 FILED ON: 1/19/2011

SENATE . . . . . No. 1175

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act further regulating tanning facilities..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	☐ *[District]* ☐
Martin J. Walsh	*13th Suffolk*
James J. Dwyer	*30th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Susan C. Fargo	☐ *[District]* ☐
Cory Atkins	*14th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
George T. Ross	*2nd Bristol*
Daniel A. Wolf	☐ *[District]* ☐

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SENATE . . . . . No. 1175

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1175) of James E. Timilty, Martin J. Walsh, James J. Dwyer, Timothy R. Madden and other members of the General Court for legislation to regulate tanning facilities. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *903* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act further regulating tanning facilities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out sections 207 and 208, as appearing in the 2006 Official Edition, and inserting in place thereof the following 2 sections: -

Section 207. For the purposes of sections 208 to 214, inclusive, the following words shall have the following meanings unless the context clearly indicates otherwise,:

"Board", the board of health, including the board or officer having like powers and duties in towns where there is no board of health, with jurisdiction in the community in which a tanning facility is located.

"Operator", a trained person designated by the licensee and registered with the board to control the operation of a tanning facility in compliance with this section and sections 208 to 213, inclusive, and to assist and instruct the public in the correct operation of the tanning facility and its equipment.

"Phototherapy device", a piece of equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.

"Tanning device", a piece of equipment used for tanning the skin that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers

17 including, but not limited to, a tanning booth, tanning bed, sunlamp or other high pressure
18 tanning lamp and any accompanying equipment including, but not limited to, protective eyewear,
19 timers and handrails.

20 "Tanning facility", a location, place, area, structure or business which provides access to
21 a tanning device.

22 Section 208. (a) No person shall operate a tanning facility without a license issued by the
23 board. A license granted under this section shall expire 1 year after the date of issuance. The fee
24 for a license and for the annual renewal thereof shall be $250.

25 (b) Applications for license and annual renewals shall be made on forms prescribed and
26 made available by the board. The board shall require at least the following information on the
27 application for a license to operate a tanning facility: the name, physical address, mailing address
28 and telephone number of the applicant owner and the tanning facility and the following
29 additional information:

30 (1.) the manufacturer, model number, serial number, year and month of manufacture
31 and type of tanning device located within the facility;

32 (2.) the primary function of the business in which the tanning facility is located;

33 (3.) the geographic areas within the commonwealth to be covered, if the facility is
34 mobile;

35 (4.) copies of any posted warnings or other notices which are not required by this
36 section and which address the safe or proper use of devices and protective gear;

37 (5.) copies of consent forms and statements which consumers, parents or guardians
38 will be required to sign pursuant to this chapter;

39 (6.) names and addresses of the tanning devices suppliers, installers, operators and
40 service agents;

41 (7.) a copy of the operating procedures to be used in the tanning facility;

42 (8.) the hours of operation of the tanning facility;

43 (9.) the name of the on-site manager of the tanning facility; and

44 (10.) a signed and dated certification that the applicant has received, read and
45 understood the requirements of this chapter.

46 (c) No license granted under this section shall be transferable to any other person or
47 facility.

48 (d) The board shall inspect a tanning facility within 30 days of licensure and every 6
49 months thereafter.

50 (e) A licensee who violates this section or sections 209 to 213, inclusive, or any other
51 applicable law, rule or regulation shall have 7 days after written notice of violation to comply
52 with the laws, rules or regulations. If after 7 days, the violation still exists the board may revoke
53 the license.

54 (f) A person aggrieved by a determination of the board pursuant to sections 207 to 213,
55 inclusive, may appeal to the department within 20 days of that determination. Either party
56 aggrieved by a determination of the department may appeal that decision pursuant to section 14
57 of chapter 30A.

58 SECTION 2. Section 210 of said chapter 111, as so appearing, is hereby amended by
59 striking out the first paragraph and inserting in place thereof the following paragraph:-

60 No tanning facility shall employ a person under 18 years of age as an operator or permit
61 him operate a tanning device. A tanning facility shall register a person employed as an operator
62 with the board within 30 days of the operator's first day of employment. There shall be a 1-time
63 registration fee of $25 for each operator registered by the tanning facility. A tanning facility shall
64 at all times during operating hours have an operator who shall, as part of his regular duties,
65 provide sanitized protective eyewear and towels. No person shall use a tanning device without
66 protective eyewear.

67 SECTION 3. Said chapter 111 is hereby further amended by striking out section 211, as
68 so appearing, and inserting in place thereof the following section:-

69 Section 211. (a) No person under the age of 16 shall use a tanning device.

70 (b) No person 16 years of age to 17 years of age, inclusive, shall use a tanning device
71 without the prior written consent of a parent or legal guardian. Before obtaining consent, the
72 tanning facility shall provide to the parent or guardian a copy of the warnings required under
73 section 209. The parent or guardian shall sign a statement in the presence of the operator
74 acknowledging receipt and understanding of the warnings. The operator shall sign the written
75 consent form as a witness to the signing of the parent or guardian.