

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/1/17  
**A Bill**

HOUSE BILL 1280

By: Representative Magie

### **For An Act To Be Entitled**

AN ACT TO PROHIBIT THE USE OF TANNING EQUIPMENT BY MINORS; TO AMEND THE DEFINITION OF "TANNING EQUIPMENT"; TO REPEAL THE CONSENT REQUIRED BEFORE AN INITIAL EXPOSURE AT A TANNING FACILITY OF A PERSON UNDER EIGHTEEN (18) YEARS OF AGE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO PROHIBIT THE USE OF TANNING EQUIPMENT BY MINORS; AND TO AMEND THE DEFINITION OF "TANNING EQUIPMENT".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-27-2201(4), concerning the definition of "tanning equipment", is amended to read as follows:

(4)(A) "Tanning equipment" means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

(B) "Tanning equipment" does not include a phototherapy device that emits ultraviolet radiation used by a physician licensed in this state to treat a disease or disorder;

SECTION 2. Arkansas Code § 20-27-2201, concerning the definitions relating to tanning facilities, is amended to add an additional subdivision to read as follows:

(7) "Minor" means any person under eighteen (18) years of age.



SECTION 3. Arkansas Code § 20-27-2202 is repealed.

~~20-27-2202. Consent required.~~

~~Before allowing an initial exposure at a tanning facility of a person under eighteen (18) years of age, the owner or operator shall witness the person's parent or legal guardian signing and dating a warning statement as follows:~~

~~"WARNING STATEMENT~~

~~This statement must be read and signed by a parent or legal guardian of any person under eighteen (18) years of age before allowing the initial exposure at this tanning facility.~~

~~DANGER — ULTRAVIOLET RADIATION WARNING~~

~~Follow instructions.~~

~~Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.~~

~~Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.~~

~~Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.~~

~~I have read the above warning and understand what it means before undertaking any tanning equipment exposure.~~

~~Signature of Operator of Tanning Facility or Equipment~~

~~Signature of parent or legal guardian~~

~~Print name of minor and parent or legal guardian~~

~~Date~~

OR

~~The consumer is illiterate or visually impaired, or both, and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.~~

~~Signature of Operator of Tanning Facility or Equipment~~

~~Witness~~

~~Date~~

SECTION 4. Arkansas Code Title 20, Chapter 27, Subchapter 22, is amended to add an additional section to read as follows:

20-27-2203. Prohibiting the use of tanning equipment at a tanning facility by a minor.

(a) A person commits the offense of permitting the use of tanning equipment at a tanning facility by a minor if the person knowingly permits a minor to use tanning equipment at a tanning facility.

(b) Permitting the use of tanning equipment at a tanning facility by a minor is a Class A misdemeanor.

(c)(1) An owner, lessee, or operator of a tanning facility shall post a notice in a conspicuous location in all tanning facilities owned, leased, or operated in this state.

(2) The notice in subdivision (c)(1) shall be developed by the Department of Health and shall include the following statements:

(A) "Allowing a person under eighteen (18) years of age to use tanning equipment is unlawful under Arkansas Code Title 20, Chapter 27, Subchapter 22"; and

(B) "A tanning facility or operator that violates this

section is subject to a criminal penalty."

(d) This section does not apply to:

(1) The use of tanning equipment exclusively for personal and noncommercial use; or

(2) A physician who is licensed to practice medicine in this state and who uses or prescribes phototherapy devices or equipment to a patient of any age.

/s/Magie