

ASSEMBLY, No. 2933

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 17, 2010

Sponsored by:

Assemblyman KEVIN J. RYAN

District 36 (Bergen, Essex and Passaic)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Prohibits minors under 18 years of age from using indoor tanning beds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/2011)

1 AN ACT prohibiting the use of indoor tanning beds by minors and
2 amending P.L.2006, c.48 and P.L.1989, c.234.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2006, c.48 (C.26:2D-82.1) is amended to
8 read as follows:

9 1. a. A tanning facility operator shall not permit a person who
10 is under 14 years of age to use a tanning facility or a person under
11 18 years of age to use a tanning bed in a tanning facility.

12 b. A tanning facility operator shall **[not]** permit a person who
13 is at least 14 but less than 18 years of age to use spray tanning in a
14 tanning facility **[without]** with the written authorization of the
15 person's parent or legal guardian indicating that **[such]** the parent
16 or guardian **[has read and understood the safety standards and**
17 warnings required pursuant to section 3 of P.L.1989, c.234
18 (C.26:2D-83)] consents to the use of spray tanning on the person.
19 An emancipated minor shall be exempt from the authorization
20 requirement of this subsection upon legal proof documenting said
21 emancipation.

22 c. The Commissioner of Health and Senior Services shall
23 establish by regulation:

24 (1) the contents required in the authorization form;

25 (2) the method for maintaining a record of the forms; and

26 (3) the frequency with which the forms shall be authorized or
27 reauthorized.

28 d. The penalties for violating the provisions of this section
29 shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).

30 (cf: P.L.2006, c.48, s.1)

31

32 2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to
33 read as follows:

34 3. The Commissioner of Health and Senior Services, in
35 consultation with the Commissioner of Environmental Protection,
36 shall, by regulation, establish minimum safety standards for tanning
37 facilities. The standards shall include, but not be limited to:

38 a. Establishment of a maximum safe time of exposure to
39 radiation and a maximum safe temperature at which tanning devices
40 may be operated;

41 b. A requirement that a patron at a tanning facility wear
42 protective eye glasses when using tanning equipment and that a
43 patron be supervised as to the length of time the patron uses tanning
44 equipment at the facility;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 c. A requirement that the facility operator post easily legible,
2 permanent warning signs near the tanning equipment which state:
3 "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL
4 INSTRUCTIONS";
- 5 d. A requirement that the facility have protective shielding for
6 tanning equipment in the facility; and
- 7 e. A requirement that the facility operator post a sign in
8 conspicuous view at or near the reception area which states:
9 "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO
10 USE THIS TANNING FACILITY. PERSONS UNDER AGE 18
11 SHALL NOT BE PERMITTED TO USE A TANNING BED IN
12 THIS FACILITY. PERSONS BETWEEN 14 AND 18 YEARS OF
13 AGE SHALL NOT BE PERMITTED TO USE SPRAY TANNING
14 IN THIS TANNING FACILITY WITHOUT WRITTEN
15 AUTHORIZATION OF A PARENT OR LEGAL GUARDIAN."
16 (cf: P.L.2006, c.48, s.2)

17
18 3. This act shall take effect on the first day of the third month
19 after enactment.

20
21
22 STATEMENT

23
24 This bill revises the law governing the use of tanning facilities
25 by minors.

26 Under current law, a person under 14 years of age is prohibited
27 from using a tanning facility, but a person who is at least 14 but less
28 than 18 years of age may use a tanning facility with the written
29 authorization of the person's parent or legal guardian indicating that
30 the parent or guardian has read and understood the safety standards
31 and warnings required pursuant to section 3 of P.L.1989, c.234
32 (C.26:2D-83).

33 This bill provides specifically as follows:

- 34 • A tanning facility operator is to prohibit a person who is under 14
35 years of age from using a tanning facility and a person under 18
36 years of age from using a tanning bed in a tanning facility.
- 37 • A tanning facility operator is to permit a person who is at least 14
38 but less than 18 years of age to use spray tanning in a tanning
39 facility with the written authorization of the person's parent or
40 legal guardian indicating that the parent or guardian consents to
41 the use of spray tanning on the person. (An emancipated minor is
42 exempt from this authorization requirement upon legal proof
43 documenting emancipation.)
- 44 • A tanning facility operator is required to post a sign in
45 conspicuous view at or near the reception area which advises
46 patrons of the provisions of this bill.
- 47 • The bill takes effect on the first day of the third month after
48 enactment.

1 The provisions of this bill are intended to address the growing
2 concern about the risk to youths who are exposed to ultraviolet
3 (UV) radiation from the use of indoor tanning beds.

4 It should be noted that:

5 -- The incidence of melanoma has been steadily rising for the
6 past 30 years, and it is believed that this increase is due to increased
7 exposure to UV radiation as a consequence of individual behavior
8 with regard to UV exposure from the sun and the use of indoor
9 tanning beds;

10 -- UV exposure is also associated with premature aging of the
11 skin, suppression of the immune system, and eye damage;

12 -- In 2009, the International Agency for Research on Cancer
13 raised the classification of UV-emitting indoor tanning devices to
14 the highest level of cancer risk; and

15 -- The link between UV exposure from indoor tanning devices
16 and melanoma is consistent with what is already known about the
17 association between solar UV exposure and skin cancer.