

2009 FL S 546

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FL S 546

By Senator Sobel

A bill to be entitled

An act relating to tanning facilities; amending s. 381.89, F.S.; requiring the parent or legal guardian of a minor to sign a written statement before the minor is allowed to use a tanning device; providing requirements for the written statement; revising the age at which a minor is allowed to use a tanning device; prohibiting a minor younger than a certain age from using a tanning device at a tanning facility; deleting provisions authorizing the use of a tanning device by certain minors if accompanied by a parent or legal guardian; providing an effective date.

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

Section 1. Subsections (6), (7), and (8) of section 381.89, Florida Statutes, are amended to read:

381.89 Regulation of tanning facilities.-

(6) A tanning facility must:

(a) During operating hours, have an operator present who is sufficiently knowledgeable and trained in accordance with rules of the department in the correct operation of the tanning devices to inform and assist each customer in the proper use of the devices.

(b) Before each use of a tanning device:

1. Properly sanitize that tanning device equipment, including, without limitation, handrails, headrests, and bed surfaces; and

2. Provide a customer with properly sanitized protective eyewear that protects the eye from ultraviolet radiation and allows adequate vision to maintain balance.

(c) Show each customer how to use suitable physical aids, such as handrails and floor markings, to maintain proper exposure distances recommended by the manufacturer.

(d) Use a timer on each tanning device which is accurate for any selected time interval to plus or minus 10 percent.

(e) Limit each customer to the maximum exposure time recommended by the manufacturer of the tanning device.

(f) Maintain the interior temperature of the tanning facility below 100 DEGREES F.

(g) Each time a person uses a tanning facility or executes or renews a contract to use a tanning facility, have the person sign a written statement acknowledging that he or she has read and understands the warnings before using the device and that he or she agrees to use the protective eyewear. Before a minor is allowed to use the device, the minor's parent or legal guardian must sign a written statement acknowledging that he or she has read and understands the warnings and that the minor agrees to use protective eyewear.

(h) Display its license in a public area of the tanning facility.

(i) Report any injury or any complaint of injury to the department on forms prescribed by the department and provide a copy of the report to the complainant. The department shall send to the federal Food and Drug Administration a copy of any report of an injury occurring in a tanning facility.

(j) Keep a record, for a period of not less than 4 years, 58 of each customer's use of a tanning device.

(7) A tanning facility may not allow a minor between the ages of 16-14 and 18 to use a tanning device unless it has on file a statement signed and witnessed by the tanning operator or proprietor of the tanning facility and signed by the minor's parent or legal guardian stating that the parent or legal guardian :

1. Has read and understands the warnings given by the tanning facility ;

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

3. Agrees that the minor will use the provided protective eyewear ; ~~and~~

4. Authorizes a specified number of tanning sessions for the minor during a 12-month period.

A tanning operator or proprietor shall refuse service to a minor if the minor's parent or legal

guardian has not signed the statement as required by this subsection.

(8) A minor younger than 16 years of ~~under the age~~ may not use a tanning device at a tanning facility of 14 ~~must be accompanied by a parent or legal guardian when using a tanning device.~~

Section 2. This act shall take effect July 1, 2009.