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AUTHOR: Stevens

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MISSISSIPPI LEGISLATURE

2009 Regular Session

To: Public Health and Human Services

By: Representative Stevens

House Bill 214

(As Sent to Governor)

AN ACT TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY CHILDREN UNDER AGE FOURTEEN UNLESS THE CHILD'S PARENT OR LEGAL GUARDIAN HAS PROVIDED WRITTEN CONSENT TO THE TANNING FACILITY AND THE PARENT OR GUARDIAN IS PHYSICALLY PRESENT AT THE TANNING FACILITY DURING THE ENTIRE TIME THAT THE CHILD USES A TANNING DEVICE AT THE TANNING FACILITY; TO PROVIDE THAT THE CONSENT MAY BE REVOKED AT ANY TIME BY THE PARENT OR GUARDIAN; TO PROHIBIT THE USE OF TANNING DEVICES AT TANNING FACILITIES BY CHILDREN BETWEEN THE AGES OF FOURTEEN AND EIGHTEEN UNLESS THE CHILD'S PARENT OR LEGAL GUARDIAN HAS GIVEN WRITTEN CONSENT TO THE TANNING FACILITY; TO REQUIRE THE PARENT OR GUARDIAN TO SIGN THE CONSENT FORM IN THE PRESENCE OF THE OPERATOR OF THE TANNING FACILITY; TO PROVIDE THAT THE CONSENT IS VALID FOR ONE YEAR FROM THE DATE OF SIGNATURE, UNLESS THE CONSENT IS REVOKED BY THE PARENT OR GUARDIAN; TO PROVIDE THAT THE CONSENT MAY BE REVOKED AT ANY TIME BY THE PARENT OR GUARDIAN; TO REQUIRE THE PARENT OR GUARDIAN TO SPECIFY THE MAXIMUM NUMBER OF TIMES THAT THE CHILD MAY USE A TANNING DEVICE AT THE TANNING FACILITY DURING THE ONE-YEAR PERIOD; TO REQUIRE ADDITIONAL WRITTEN CONSENT FOR THE CHILD TO USE A TANNING DEVICE AT A TANNING FACILITY AFTER THE EXPIRATION OF THE ONE-YEAR PERIOD OR IF THE PARENT OR GUARDIAN REVOKES THE CONSENT; TO REQUIRE TANNING FACILITIES TO MAINTAIN THE CONSENT FORMS AND CERTAIN RECORDS REGARDING THE USE OF TANNING

DEVICES AT THE TANNING FACILITIES BY THOSE CHILDREN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section:

(a) "Tanning device" means any equipment that emits radiation used for tanning of the skin, such as a sun lamp, tanning booth or tanning bed, and includes any accompanying equipment, such as protective eyewear, timers and handrails; and

(b) "Tanning facility" means any place where a tanning device is used for a fee, membership dues, or any other compensation.

(2) A child under fourteen (14) years of age shall not use a tanning device at a tanning facility unless the child's parent or legal guardian has provided written consent to the tanning facility and the parent or guardian is physically present at the tanning facility during the entire time that the child uses a tanning device at the tanning facility. The parent or guardian shall sign the consent form in the presence of the operator of the tanning facility, and that consent may be revoked at any time by the parent or guardian. The parent or guardian shall state on the consent form his or her relationship with the child and the age of the child. If the parent or guardian revokes the consent, the child shall not use a tanning device at a tanning facility until the child's parent or legal guardian has provided additional written consent in accordance with the requirements of this subsection.

(3) A child fourteen (14) years of age or older but under eighteen (18) years of age shall not use a tanning device at a tanning facility unless the child's parent or legal guardian has provided written consent to the tanning facility. The tanning facility may accept proof of the child's age from any valid source. The parent or guardian shall sign the consent form in the presence of the operator of the tanning facility, and that consent is valid for one (1) year from the date of signature, unless the consent is revoked by the parent or guardian. The consent may be revoked at any time by the parent or guardian. The parent or guardian shall state on the consent form his or her relationship with the child and the age of the child, and shall

specify the maximum number of times that the child may use a tanning device at the tanning facility during the one-year period. After the expiration of the one-year period, or if the parent or guardian revokes the consent, the child shall not use a tanning device at a tanning facility until the child's parent or legal guardian has provided additional written consent in accordance with the requirements of this subsection.

(4) Each tanning facility shall:

(a) Maintain the written consent forms of the parents or guardians for a period of not less than two (2) years, and make the forms available to law enforcement personnel for inspection upon request; and

(b) Make written, electronic or digital records showing the dates and duration of use of a tanning device at the tanning facility by children under eighteen (18) years of age, maintain those records for a period of not less than two (2) years, and make the records available to law enforcement personnel for inspection upon request.

(5) This section does not apply to a licensed health care professional who uses a tanning device for the treatment of patients, if that use is within the lawful scope of practice of the health care professional.

SECTION 2. This act shall take effect and be in force from and after July 1, 2009.