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SENATE BILL 513

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY Mary Jane M. Garcia

AN ACT

RELATING TO PUBLIC HEALTH; SETTING SAFETY STANDARDS FOR THE OPERATION OF TANNING FACILITIES; RESTRICTING MINORS' ACCESS TO TANNING FACILITIES; PROVIDING FOR PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. TANNING FACILITY USE BY MINORS-- RESTRICTIONS.--

A. A person that operates a tanning facility shall not permit an individual who is under fourteen years of age to use any tanning equipment in the facility.

B. A person that operates a tanning facility shall not permit an individual who is at least fourteen years of age but less than eighteen years of age to use the tanning equipment in the facility unless the individual provides a written warning and authorization form signed by the individual's parent or legal guardian. The form's content shall be in compliance with rules that the department of health promulgates pursuant to Subsection C of this section. An emancipated minor shall be exempt from the warning and authorization form requirement of this subsection upon showing the minor's certificate of emancipation issued pursuant to the Emancipation of Minors Act.

C. The department of health shall promulgate rules to establish the content of a warning and authorization form for the signature of a parent or legal guardian of an individual who is at least fourteen years of age but less than eighteen years of age who wishes to use a tanning facility. At a minimum, the content shall include an indication that the parent or guardian has read and has understood the department's warnings regarding the use of tanning facilities.

D. The department shall fine a person that operates a tanning facility that violates a provision of this section one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for

each subsequent offense. Each minor allowed to use tanning equipment in a tanning facility in violation of this section is considered to represent a separate violation of this section by the person operating the tanning facility. Fines collected pursuant to the provisions of this section shall be deposited in the current school fund. The attorney general or the district attorney of the county where the tanning facility in violation is located has the power to bring proceedings in the district court of the county in which the tanning facility is located to enjoin the operation of any tanning facility being operated in violation of the provisions of this section.

E. For the purposes of this section:

(1) "tanning equipment" means equipment that emits ultraviolet radiation and is used for tanning the skin; and "tanning equipment" includes a tanning booth, tanning bed or sunlamp that includes high-pressure tanning lamps; and

(2) "tanning facility" means a location, place, area, structure or business that provides access to tanning equipment.