

SENATE BILL No. 160

March 12, 1991, Introduced by Senators FAXON and SCHWARZ
and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding part 134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding part 134 to read as follows:

4 PART 134. TANNING FACILITIES.

5 SEC. 13401. AS USED IN THIS PART:

6 (A) "PHOTOTHERAPY DEVICE" MEANS EQUIPMENT THAT EMITS ULTRA-
7 VIOLET RADIATION AND THAT IS USED BY OR UNDER THE DIRECT
8 SUPERVISION OF A HEALTH CARE PROFESSIONAL IN THE TREATMENT OF
9 DISEASE.

1 (B) "TANNING DEVICE" MEANS EQUIPMENT THAT EMITS
2 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200
3 AND 400 NANOMETERS AND IS USED FOR TANNING OF THE SKIN. TANNING
4 DEVICE INCLUDES, BUT IS NOT LIMITED TO, A SUNLAMP, TANNING BOOTH,
5 OR TANNING BED AND ANY ACCOMPANYING EQUIPMENT INCLUDING, BUT NOT
6 LIMITED TO, PROTECTIVE EYEWEAR, TIMERS, AND HANDRAILS.

7 (C) "TANNING FACILITY" MEANS A LOCATION, AREA, PLACE, STRUC-
8 TURE, OR BUSINESS THAT PROVIDES INDIVIDUALS WITH ACCESS TO A TAN-
9 NING DEVICE. TANNING FACILITY DOES NOT INCLUDE A PRIVATE RESI-
10 DENCE WITH A TANNING DEVICE IF THE TANNING DEVICE IS USED ONLY BY
11 AN OWNER OR OCCUPANT OF THE RESIDENCE.

12 SEC. 13403. (1) A PERSON SHALL NOT OWN OR OPERATE A TANNING
13 FACILITY UNLESS THE TANNING FACILITY IS REGISTERED WITH THE
14 DEPARTMENT.

15 (2) A PERSON MAY REGISTER A TANNING FACILITY BY SUBMITTING
16 AN APPLICATION TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE
17 DEPARTMENT. THE FORM SHALL CONTAIN ALL OF THE FOLLOWING
18 INFORMATION:

19 (A) THE NAME AND LOCATION OF THE TANNING FACILITY.

20 (B) THE NAME OF THE OWNER OF THE TANNING FACILITY.

21 (C) THE MANUFACTURER, MODEL NUMBER, AND TYPE OF EACH TANNING
22 DEVICE TO BE USED IN THE TANNING FACILITY. THIS SUBDIVISION DOES
23 NOT APPLY TO PROTECTIVE EYEWEAR, TIMERS, OR HANDRAILS.

24 (D) IF THE TANNING FACILITY IS MOBILE, THE GEOGRAPHIC AREAS
25 TO BE COVERED BY THE TANNING FACILITY.

26 (E) THE NAME OF THE SUPPLIER AND THE NAME OF THE INSTALLER
27 AND THE SERVICE AGENT, IF KNOWN, FOR EACH TANNING DEVICE. THIS

1 SUBDIVISION DOES NOT APPLY TO PROTECTIVE EYEWEAR, TIMERS, OR
2 HANDRAILS.

3 (F) A SIGNED, NOTARIZED, AND DATED STATEMENT THAT THE APPLI-
4 CANT HAS READ AND UNDERSTANDS THIS PART.

5 (G) A COPY OF THE OPERATING AND SAFETY PROCEDURES USED BY
6 THAT TANNING FACILITY.

7 (H) SUCH OTHER INFORMATION AS THE DEPARTMENT REASONABLY
8 REQUIRES TO PROTECT THE PUBLIC HEALTH.

9 (3) A REGISTRANT SHALL RENEW A REGISTRATION ON AN ANNUAL
10 BASIS ON OR BEFORE THE EXPIRATION DATE OF THE CERTIFICATE OF
11 REGISTRATION. THE DEPARTMENT SHALL MAIL A NOTICE TO THE REGIS-
12 TRANT ADVISING OF THE DATE OF EXPIRATION, PROCEDURE, AND FEE FOR
13 RENEWAL. FAILURE OF THE REGISTRANT TO RECEIVE NOTICE UNDER THIS
14 SUBSECTION DOES NOT RELIEVE THE REGISTRANT OF THE RESPONSIBILITY
15 FOR RENEWING HIS OR HER REGISTRATION. IF A REGISTRANT DOES NOT
16 RENEW A REGISTRATION BY THE EXPIRATION DATE, THE REGISTRANT MAY
17 RENEW THE REGISTRATION WITHIN 30 DAYS OF THE EXPIRATION DATE UPON
18 APPLICATION AND PAYMENT OF RENEWAL AND LATE RENEWAL FEES. THE
19 REGISTRANT MAY CONTINUE TO OPERATE THE TANNING FACILITY DURING
20 THE 30-DAY TIME PERIOD. IF A REGISTRATION IS NOT RENEWED WITHIN
21 30 DAYS OF THE EXPIRATION DATE, THE REGISTRATION IS VOID.

22 (4) THE DEPARTMENT SHALL RENEW THE REGISTRATION OF A TANNING
23 FACILITY IF THE TANNING FACILITY PAYS THE RENEWAL FEE AND CONTIN-
24 UES TO COMPLY WITH THIS PART AND THE RULES PROMULGATED UNDER THIS
25 PART.

1 (5) THE EXPIRATION OR SURRENDER OF A REGISTRATION DOES NOT
2 TERMINATE THE DEPARTMENT'S AUTHORITY TO IMPOSE SANCTIONS ON THE
3 REGISTRANT WHOSE REGISTRATION HAS EXPIRED OR BEEN SURRENDERED.

4 (6) THE INITIAL REGISTRATION AND ANNUAL RENEWAL FEE IS
5 \$50.00. THE DEPARTMENT MAY CHARGE AN ADDITIONAL FEE OF UP TO
6 \$50.00 PER TANNING DEVICE TO COVER THE COST OF INSPECTION AND
7 REGISTRATION, EXCEPT THAT THE DEPARTMENT SHALL NOT CHARGE AN
8 ADDITIONAL FEE FOR A TANNING DEVICE CONSISTING OF A SINGLE SUN-
9 LAMP OR FOR A SINGLE SUNLAMP THAT IS PART OF A TANNING DEVICE FOR
10 WHICH A FEE HAS BEEN PAID UNDER THIS SUBSECTION.

11 (7) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL DIS-
12 PLAY A CERTIFICATE OF REGISTRATION ISSUED BY THE DEPARTMENT IN A
13 CONSPICUOUS PLACE IN THE TANNING FACILITY. THE OWNER OR OPERATOR
14 OF MORE THAN 1 TANNING FACILITY SHALL OBTAIN A SEPARATE CERTIFI-
15 CATE OF REGISTRATION FOR EACH TANNING FACILITY.

16 (8) A CERTIFICATE OF REGISTRATION ISSUED UNDER THIS PART IS
17 NOT TRANSFERABLE.

18 (9) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOTIFY
19 THE DEPARTMENT OF A CHANGE IN THE APPLICATION INFORMATION
20 REQUIRED UNDER SECTION 13403(2)(A), (B), (C), (D), OR (G) WITHIN
21 15 DAYS AFTER THE CHANGE OCCURS. THIS SUBSECTION DOES NOT APPLY
22 IF EQUIPMENT IS BEING REPLACED WITH EQUIPMENT THAT IS CERTIFIED
23 AS EQUIVALENT UNDER THE REGULATIONS OF THE FOOD AND DRUG
24 ADMINISTRATION.

25 SEC. 13405. THIS PART DOES NOT APPLY TO A PHOTOTHERAPY
26 DEVICE OR TO A TANNING DEVICE THAT IS IN TRANSIT OR STORAGE.

1 SEC. 13407. (1) BEFORE AN INDIVIDUAL USES A TANNING DEVICE
2 IN A TANNING FACILITY, THE OWNER OR OPERATOR OF THE TANNING
3 FACILITY SHALL PROVIDE THE INDIVIDUAL WITH A WRITTEN STATEMENT
4 THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

5 (A) NOT WEARING THE EYE PROTECTION PROVIDED TO THE INDIVID-
6 UAL BY THE TANNING FACILITY MAY CAUSE DAMAGE TO THE EYES.

7 (B) OVEREXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED BY
8 THE TANNING DEVICES USED IN THE TANNING FACILITY CAUSES BURNS.

9 (C) REPEATED EXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED
10 BY THE TANNING DEVICES USED IN THE TANNING FACILITY MAY CAUSE
11 PREMATURE AGING OF THE SKIN OR SKIN CANCER, OR BOTH.

12 (D) ABNORMAL SKIN SENSITIVITY TO ULTRAVIOLET RADIATION OR
13 BURNING MAY BE CAUSED BY CERTAIN FOODS, COSMETICS, AND
14 MEDICATION. THE MEDICATION INCLUDES, BUT IS NOT LIMITED TO, ALL
15 OF THE FOLLOWING:

16 (i) TRANQUILIZERS.

17 (ii) DIURETICS.

18 (iii) ANTIBIOTICS.

19 (iv) HIGH BLOOD PRESSURE MEDICATION.

20 (v) BIRTH CONTROL MEDICATION.

21 (E) AN INDIVIDUAL WHO IS TAKING A PRESCRIPTION DRUG OR
22 OVER-THE-COUNTER DRUG SHOULD CONSULT A PHYSICIAN BEFORE USING A
23 TANNING DEVICE.

24 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL CON-
25 SPICUOUSLY DISPLAY A POSTER PROVIDED BY THE DEPARTMENT IN AN AREA
26 FREQUENTED BY CUSTOMERS. THE DEPARTMENT SHALL PRINT THE POSTER

1 IN AT LEAST 32-POINT BOLD TYPE AND IN SUBSTANTIALLY THE FOLLOWING
2 FORM:

3 DANGER: ULTRAVIOLET RADIATION

4 1. FOLLOW INSTRUCTIONS.

5 2. AVOID TOO FREQUENT OR TOO LENGTHY EXPOSURE. AS WITH NAT-
6 URAL SUNLIGHT, EXPOSURE CAN CAUSE EYE AND SKIN INJURY AND ALLER-
7 GIC REACTIONS. REPEATED EXPOSURE MAY CAUSE CHRONIC SUN DAMAGE
8 CHARACTERIZED BY WRINKLING, DRYNESS, FRAGILITY, AND BRUISING OF
9 THE SKIN, AND SKIN CANCER.

10 3. WEAR PROTECTIVE EYEWEAR.

11 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE

12 BURNS AND LONG-TERM INJURY TO THE EYES

13 4. ULTRAVIOLET RADIATION FROM SUNLAMPS WILL INTENSIFY THE
14 EFFECTS OF THE SUN. THEREFORE, DO NOT SUNBATHE BEFORE OR AFTER
15 EXPOSURE TO ULTRAVIOLET RADIATION.

16 5. SOME ORAL OR SKIN MEDICATIONS OR COSMETICS MAY INCREASE
17 YOUR SENSITIVITY TO ULTRAVIOLET RADIATION. CONSULT YOUR PHYSI-
18 CIAN BEFORE USING A TANNING DEVICE IF YOU ARE USING MEDICATIONS,
19 HAVE A HISTORY OF SKIN PROBLEMS, OR BELIEVE YOU ARE ESPECIALLY
20 SENSITIVE TO SUNLIGHT. PREGNANT WOMEN OR WOMEN ON BIRTH CONTROL
21 PILLS WHO USE THIS TANNING DEVICE MAY DEVELOP DISCOLORED SKIN.

22 6. IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN
23 FROM USE OF THIS TANNING DEVICE.

24 (3) THE OWNER OR OPERATOR OR AN EMPLOYEE OF A TANNING FACIL-
25 ITY SHALL NOT CLAIM OR DISTRIBUTE PRINTED PROMOTIONAL MATERIALS
26 THAT CLAIM OR OTHERWISE ADVERTISE THAT USING A TANNING DEVICE IS
27 SAFE, NONBURNING, OR FREE FROM RISK OR THAT THE TANNING FACILITY

1 IS REGISTERED UNDER THIS PART OR THAT AN ACTIVITY OF THE TANNING
2 FACILITY IS APPROVED UNDER A REGISTRATION ISSUED UNDER THIS
3 PART.

4 (4) COMPLIANCE WITH THIS SECTION DOES NOT DIMINISH OR OTHER-
5 WISE LIMIT OR ALTER THE LIABILITY OF THE OWNER OR OPERATOR OF A
6 TANNING FACILITY.

7 SEC. 13409. THE OWNER OR OPERATOR OF A TANNING FACILITY
8 SHALL DO ALL OF THE FOLLOWING:

9 (A) USE ONLY TANNING DEVICES THAT ARE MANUFACTURED AND CER-
10 TIFIED TO COMPLY WITH 21 C.F.R. 1040.20.

11 (B) HAVE AT LEAST 1 EMPLOYEE PRESENT DURING BUSINESS HOURS
12 WHO IS ADEQUATELY TRAINED IN ALL OF THE FOLLOWING AREAS:

13 (i) THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED
14 UNDER THIS PART.

15 (ii) PROCEDURES FOR CORRECT OPERATION OF THE TANNING DEVICES
16 USED IN THE TANNING FACILITY.

17 (iii) EMERGENCY PROCEDURES.

18 (C) MAINTAIN A LIST OF EMPLOYEES WHO ARE TRAINED AS
19 DESCRIBED IN SUBDIVISION (B) AND MAKE A COPY OF THE LIST AVAIL-
20 ABLE UPON REQUEST TO A CUSTOMER AND TO THE DEPARTMENT.

21 (D) BEFORE EACH USE OF A TANNING DEVICE, MAKE AVAILABLE TO
22 EACH INDIVIDUAL CUSTOMER PROPERLY SANITIZED PROTECTIVE EYEWEAR
23 THAT PROTECTS THE EYE FROM ULTRAVIOLET RADIATION, ALLOWS ADEQUATE
24 VISION TO MAINTAIN BALANCE, AND MEETS THE REQUIREMENTS OF 21
25 C.F.R. 1040.20.

1 (E) NOT KNOWINGLY ALLOW AN INDIVIDUAL TO USE A TANNING
2 DEVICE IF THE INDIVIDUAL DOES NOT USE THE PROTECTIVE EYEWEAR
3 REQUIRED UNDER SUBDIVISION (D).

4 (F) SHOW EACH INDIVIDUAL CUSTOMER HOW TO USE SUITABLE PHYSI-
5 CAL AIDS, SUCH AS HANDRAILS AND MARKINGS ON THE FLOOR, TO MAIN-
6 TAIN PROPER EXPOSURE DISTANCE AS RECOMMENDED BY THE MANUFACTURER
7 OF THE TANNING DEVICE.

8 (G) USE A TIMER FOR EACH TANNING DEVICE THAT HAS AN ACCURACY
9 OF PLUS OR MINUS 10% OF ANY SELECTED TIMER INTERVAL AND THAT
10 MEETS THE REQUIREMENTS OF 21 C.F.R. 1040.20.

11 (H) LIMIT EACH CUSTOMER TO THE MAXIMUM EXPOSURE TIME AS REC-
12 OMMENDED BY THE MANUFACTURER OF THE TANNING DEVICE.

13 (I) CONTROL THE INTERIOR TEMPERATURE OF A TANNING DEVICE SO
14 THAT IT DOES NOT AT ANY TIME EXCEED 100 DEGREES FAHRENHEIT.

15 (J) BEFORE ALLOWING A CUSTOMER TO USE A TANNING DEVICE,
16 REQUIRE THE CUSTOMER TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING
17 THAT THE CUSTOMER HAS READ AND UNDERSTOOD THE WRITTEN STATEMENT
18 REQUIRED UNDER SECTION 13407(1) AND AGREES TO USE THE PROTECTIVE
19 EYEWEAR PROVIDED BY THE TANNING FACILITY. THE OWNER OR OPERATOR
20 OF THE TANNING FACILITY SHALL REQUIRE A CUSTOMER TO SIGN THE
21 STATEMENT AT LEAST ONCE IN A 1-YEAR PERIOD.

22 (K) RETAIN THE WRITTEN STATEMENT REQUIRED UNDER
23 SUBDIVISION (J) FOR NOT LESS THAN 1 YEAR.

24 (L) FOR A TANNING DEVICE THAT IS A TANNING BOOTH, ENSURE
25 THAT THE TANNING DEVICE IS CONSTRUCTED SO THAT IT WILL WITHSTAND
26 THE STRESS OF USE AND THE IMPACT OF A FALLING PERSON; THAT ACCESS

1 TO THE BOOTH IS OF RIGID CONSTRUCTION; THAT THE DOORS OPEN
2 OUTWARDLY; AND THAT HANDRAILS AND NONSLIP FLOORS ARE PROVIDED.

3 (M) REPLACE A DEFECTIVE OR BURNED OUT SUNLAMP OR FILTER WITH
4 A TYPE INTENDED BY THE MANUFACTURER FOR USE IN THE TANNING DEVICE
5 OR WITH A SUNLAMP OR FILTER THAT IS EQUIVALENT UNDER THE REGULA-
6 TIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION.

7 (N) ESTABLISH PROCEDURES TO AID EMPLOYEES OF THE TANNING
8 FACILITY IN RECOGNIZING INJURY OR OVEREXPOSURE, OR BOTH.

9 (O) DISINFECT A TANNING DEVICE AFTER EACH USE.

10 SEC. 13411. (1) BEFORE A MINOR WHO IS 14 YEARS OF AGE OR
11 OLDER USES A TANNING DEVICE IN A TANNING FACILITY, THE OWNER OR
12 OPERATOR OF THE TANNING FACILITY SHALL REQUIRE THE PRESENTMENT OF
13 A STATEMENT SIMILAR TO THE STATEMENT REQUIRED UNDER
14 SECTION 13409(J) SIGNED BY THE MINOR'S PARENT, LEGAL GUARDIAN, OR
15 PERSON IN LOCO PARENTIS INDICATING THAT THE PARENT, LEGAL GUARDI-
16 AN, OR PERSON IN LOCO PARENTIS HAS READ AND UNDERSTOOD THE STATE-
17 MENT REQUIRED UNDER SECTION 13407(1), CONSENTS TO THE MINOR'S USE
18 OF A TANNING DEVICE, AND AGREES THAT THE MINOR WILL USE THE PRO-
19 TECTIVE EYEWEAR PROVIDED BY THE TANNING FACILITY.

20 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOT
21 ALLOW A MINOR WHO IS LESS THAN 14 YEARS OF AGE TO USE A TANNING
22 DEVICE IN THE TANNING FACILITY UNLESS THE MINOR IS ACCOMPANIED TO
23 THE TANNING FACILITY BY A PARENT, LEGAL GUARDIAN, OR PERSON IN
24 LOCO PARENTIS.

25 (3) AN INDIVIDUAL WHO USES A TANNING DEVICE IN A TANNING
26 FACILITY SHALL USE THE PROTECTIVE EYEWEAR MADE AVAILABLE BY THE
27 TANNING FACILITY PURSUANT TO SECTION 13409(D).

1 SEC. 13413. (1) THE OWNER OR OPERATOR OF A TANNING FACILITY
2 SHALL REPORT EACH INJURY OR COMPLAINT OF AN INJURY THAT OCCURS IN
3 THE TANNING FACILITY TO THE DEPARTMENT ON A FORM PROVIDED BY THE
4 DEPARTMENT WITHIN 5 WORKING DAYS AFTER THE OWNER OR OPERATOR IS
5 NOTIFIED OF THE INJURY OR COMPLAINT. THE DEPARTMENT SHALL TRANS-
6 MIT A COPY OF THE REPORT TO THE INJURED PARTY OR INDIVIDUAL WHO
7 COMPLAINS OF AN INJURY AND TO THE FEDERAL FOOD AND DRUG
8 ADMINISTRATION. THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL
9 INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING
10 INFORMATION:

11 (A) THE NAME OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE
12 REPORT.

13 (B) THE NAME AND LOCATION OF THE TANNING FACILITY WHERE THE
14 INCIDENT OCCURRED.

15 (C) THE NATURE OF THE INJURY.

16 (D) THE NAME AND ADDRESS OF THE HEALTH CARE PROVIDER TO WHOM
17 THE INJURED INDIVIDUAL WAS REFERRED, IF ANY.

18 (E) OTHER INFORMATION CONSIDERED RELEVANT BY THE
19 DEPARTMENT.

20 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL KEEP,
21 FOR NOT LESS THAN 5 YEARS, A RECORD OF EACH CUSTOMER'S USE OF A
22 TANNING DEVICE INCLUDING, BUT NOT LIMITED TO, VISITS AND EXPOSURE
23 TIMES.

24 SEC. 13415. (1) A PERSON WHO HAS A REASONABLE BELIEF THAT
25 THIS PART OR THE RULES PROMULGATED UNDER THIS PART HAVE BEEN VIO-
26 LATED MAY FILE A COMPLAINT WITH THE DEPARTMENT.

1 (2) THE DEPARTMENT SHALL INVESTIGATE A COMPLAINT MADE
2 PURSUANT TO SUBSECTION (1) AND SHALL ENFORCE THIS PART AND THE
3 RULES PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2262(2)
4 AND 2263. PURSUANT TO SECTION 2235, THE DEPARTMENT MAY CERTIFY A
5 LOCAL HEALTH DEPARTMENT TO FULFILL THE REQUIREMENTS OF THIS
6 SUBSECTION. A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS
7 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL DO SO PURSU-
8 ANT TO SECTIONS 2461(2) AND 2462.

9 (3) AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR LOCAL
10 HEALTH DEPARTMENT MAY INSPECT A TANNING FACILITY IN ORDER TO
11 DETERMINE COMPLIANCE WITH THIS PART. THE REPRESENTATIVE SHALL
12 CONDUCT AN INSPECTION ONLY DURING BUSINESS HOURS.

13 (4) IF THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT DETER-
14 MINES THAT A TANNING FACILITY IS NOT OPERATING IN COMPLIANCE WITH
15 THIS PART OR RULES PROMULGATED UNDER THIS PART, THE DEPARTMENT OR
16 A LOCAL HEALTH DEPARTMENT SHALL ISSUE AN ORDER REQUIRING COMPLI-
17 ANCE WITHIN A SPECIFIED PERIOD OF TIME. THE DEPARTMENT OR A
18 LOCAL HEALTH DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEAR-
19 ING WITHIN 10 WORKING DAYS AFTER THE ORDER IS ISSUED. THIS SEC-
20 TION DOES NOT LIMIT ANY OTHER ENFORCEMENT AUTHORITY VESTED IN THE
21 DEPARTMENT OR A LOCAL HEALTH DEPARTMENT.

22 (5) AFTER NOTICE OF INTENT TO AN APPLICANT OR REGISTRANT TO
23 DENY, RESTRICT, SUSPEND, OR REVOKE A REGISTRATION AND AN OPPORTU-
24 NITY FOR A HEARING, THE DEPARTMENT MAY DENY, RESTRICT, SUSPEND,
25 OR REVOKE THE REGISTRATION IF 1 OR MORE OF THE FOLLOWING EXISTS:

1 (A) SUBMISSION OF INCORRECT, FALSE, OR MISLEADING
2 INFORMATION IN AN APPLICATION FOR REGISTRATION OR RENEWAL UNDER
3 THIS PART.

4 (B) FAILURE TO OPERATE AND MAINTAIN A TANNING FACILITY IN
5 ACCORDANCE WITH AN APPLICATION FOR REGISTRATION OR RENEWAL UNDER
6 THIS PART.

7 (C) OPERATION OF A TANNING FACILITY IN A MANNER THAT CREATES
8 A NUISANCE OR A HAZARD TO THE PUBLIC HEALTH OR SAFETY.

9 (D) VIOLATION OF A RESTRICTED REGISTRATION.

10 (E) FAILURE OF A REGISTRANT OR AN EMPLOYEE OR AGENT OF THE
11 REGISTRANT TO ALLOW AN AUTHORIZED AGENT OF THE DEPARTMENT TO
12 INSPECT A TANNING FACILITY DURING BUSINESS HOURS AND IN A REASON-
13 ABLE MANNER.

14 (F) FAILURE TO PAY A FINE OR A REGISTRATION, RENEWAL, OR
15 INSPECTION FEE.

16 (G) A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER
17 THIS PART.

18 (6) IN ADDITION TO THE SANCTIONS LISTED IN SUBSECTION (5),
19 THE DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE FINE OF UP TO \$500.00
20 FOR A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS
21 PART OR UNDER ANY OF THE CIRCUMSTANCES LISTED IN SUBSECTION (5).

22 (7) A PERSON WHO VIOLATES THIS PART OR RULES PROMULGATED
23 UNDER THIS PART IS GUILTY OF A MISDEMEANOR.

24 (8) THIS PART DOES NOT PRECLUDE ANY OTHER REMEDIES AVAILABLE
25 UNDER THE LAW.

26 SEC. 13417. THE DEPARTMENT MAY PROMULGATE RULES TO
27 IMPLEMENT THIS PART.