



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 839 (Substitute S-1 as reported)
Sponsor: Senator Dale L. Shugars
Committee: Health Policy and Senior Citizens

CONTENT

The bill would add new provisions to the Public Health Code to provide for the regulation of tanning facilities by requiring a tanning facility owner to provide a customer with a written statement warning of the possible dangers of using a tanning device; display a poster that contained instructions and warnings; require a customer to acknowledge that he or she had read and understood the statement; require a tanning facility to report any injuries to the Department of Public Health and require the Department to establish a registry of the reports; provide that the owner of a tanning facility who violated the bill's provisions would be guilty of a State civil infraction and be liable for a fine of up to \$500; and allow persons to bring civil actions.

A "tanning facility" would be a location that provided individuals with access to a tanning device, not including a private residence with a tanning device used only by the residence's owner or occupant. A tanning device would include, but not be limited to, a sunlamp, tanning booth, tanning bed, and any accompanying equipment such as protective eyewear, timers, and handrails.

The owner or operator or an employee of a tanning facility could not claim, or distribute printed promotional material that claimed, or otherwise advertise that using a tanning device was safe, nonburning, or free from risk. Compliance with the requirement to provide the written statement, and the requirement to display the warning poster would not diminish or otherwise limit or alter the liability of the owner or operator of a facility.

The owner or operator of a tanning facility who violated the bill would be responsible for a State civil infraction, and would be liable for a civil fine of up to \$500 for each violation. In addition to any other enforcement action authorized by law, a person alleging a violation of the bill could bring a civil action for appropriate injunctive relief, if the person had used the tanning facility within 60 days before the civil action was filed. The bill provides that its remedies would be independent and cumulative; the use of one remedy by a person would not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

Proposed MCL 333.13401 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have a minimal impact on State Department of Public Health expenditures. The Department would incur the costs of producing and providing an injury reporting form, and maintaining the registry. Other databases maintained by the Department, and assumed to be similar in scope to the proposed registry, incur annual costs in the range of \$200 to \$10,000.

Date Completed: 3-4-96

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.