



**Senate Fiscal Agency**  
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BILL ANALYSIS



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Senate Bill 840 (as enrolled)  
 Sponsor: Senator Dale L. Shugars  
 Senate Committee: Health Policy and Senior Citizens  
 House Committee: Health Policy

**PUBLIC ACT 228 of 1996**

Date Completed: 8-8-96

**RATIONALE**

Indoor tanning salons have become very popular in recent years; reportedly, over 1 million Americans visit a tanning facility every day, two-thirds of whom are women with an average age of 26. Despite the popularity of tanning salons there is a growing body of evidence showing that tanning, and in particular tanning through the use of the artificial light found in tanning facilities, puts one at risk for a variety of health problems. According to a study reported last year in the Journal of the American Academy of Dermatology, tanning, especially indoor tanning, only results in negative health consequences. According to the American Academy of Dermatology (AAD), "A mountain of research exists on the known and carcinogenic results of UV [ultraviolet] radiation on skin...".

Sunlight radiates to the earth in varying wavelengths, including ultraviolet B (UVB) and the longer wavelength ultraviolet A (UVA). Many tanning parlors used to use UVB through the old "sun lamps" though, apparently, burning was a problem. Reportedly, most tanning facilities have switched to using UVA and claim that it is safer than the old way; however, testimony from the Michigan State Medical Society (MSMS) states that there are extensive data now endorsed by the Food and Drug Administration "showing that UVA produces serious skin damage, from loss of elasticity with wrinkling, freckles, and age spots, coarseness and drying, to a significantly increased risk of skin cancer..." including melanoma, the often deadly form of skin cancer. Further, according to the MSMS, the lifetime risk of developing melanoma is now one in 100 (while it was one in 1,500 50 years ago); and melanoma is the most common malignancy in women under 29 years old. Also, it has been reported that exposure to UVA radiation increases the risk of cataracts and retinal damage in the eyes, unless proper protective eyewear is used. The AAD

reports that UVA exposure at a tanning facility is much more intense than sunlight; a typical 15- to 30-minute session with UVA exposure at 320-400 nanometer wavelengths provides two to three times the amount of UVA in normal sunlight.

The AAD reports that 26 states now have some form of regulation for tanning parlors. It has been suggested that Michigan should join these states, by requiring protective eyewear for all customers, and requiring parental consent for minors to use tanning devices.

**CONTENT**

**The bill amends the Public Health Code to require the owner or operator of a tanning facility, before allowing a minor to use the facility, to obtain the consent of the minor's parent or legal guardian; and require a person using a tanning device in a tanning facility to use protective eyewear.** The bill will take effect September 1, 1996.

The bill provides that before allowing a minor under 18 years old to use a tanning device in a tanning facility, the owner or operator of the tanning facility must require the presentation of a statement, signed by the minor's parent or legal guardian, indicating that the parent or guardian had read and understood the statement, consented to the minor's use of a tanning device, and agreed that the minor will use protective eyewear. (Note: The bill provides that the required statement must be similar to a statement required under a section of the Code that would have been added by Senate Bill 839; the proposed section would have required a customer to sign an acknowledgment that he or she had read and understood a prescribed statement regarding the possible dangers of a tanning device. Senate Bill 839 was vetoed, however; thus, the statement

referred to in Senate Bill 840 does not currently exist.)

The owner or operator of a tanning facility may not allow a minor who is less than 14 years old to use a tanning device in the tanning facility unless the minor is accompanied to the facility by a parent or legal guardian and the parent or legal guardian signs a statement in the same manner as required above for an older minor. (Under the bill, a minor does not include a minor emancipated under the emancipation of minors Act.)

(Although Senate Bill 840 was tie-barred to Senate Bill 839, the tie-bar was repealed by Public Act 323 of 1996.)

MCL 333.13407

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Indoor tanning has become big business, with over 25,000 tanning facilities nationwide and over 1 million visits to those facilities daily. Dermatologists have for years recommended closer supervision and/or regulation of tanning facilities, because of the potential hazards of exposure to UVA radiation from tanning devices. Surveys have shown that many tanning equipment operators have had no training in operating tanning devices, and often do not inform clients about the potential hazards of exposure. In Michigan, indoor tanning facilities are not currently regulated. The bill allows the State to join with the 26 other states that have some form of tanning facility regulation. The emphasis of the regulation in the bill is to require patrons to use protective eyewear, and require tanning facility operators to obtain parental consent before allowing a minor to use a facility. This will prevent the incidence of damaged eyes, and reduce the amount of exposure that minors can obtain without parental involvement.

#### **Opposing Argument**

Over 500,000 new cases of skin cancer are reported each year, most of it due to UV radiation. The incidence of skin cancer in this country has been increasing rapidly in recent years. While it cannot be stated that the increased use of tanning facilities has caused an increase in the skin cancer rate, it can be said that the great number of people

who expose themselves to the much greater intensity (than sunlight) of UVA radiation used in tanning facilities are increasing their risk of developing skin cancer. The bill should give people more protection. While at least a start, the bill needs to contain much stronger regulation, including requirements for staff training, inspections of facilities, and possibly licensure.

**Response:** Because many have expressed a desire to downsize the government--put less government regulation into people's lives--now is not the time to control the tanning industry with licensure or similar strong measures. The bill offers a reasonable approach to regulating tanning facilities, by requiring protective eyewear and requiring parental involvement for minors. Over-regulation of the industry could have the effect of encouraging people simply to purchase their own machines for home use, where there would be no regulation at all.

Legislative Analyst: G. Towne

### **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

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.