



SENATE BILL No. 839

February 13, 1996, Introduced by Senators SHUGARS and SCHWARZ and referred to the Committee on Health Policy and Senior Citizens.

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) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN
7 SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236
8 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.8801 OF THE
9 MICHIGAN COMPILED LAWS.

1 (B) "PHOTOTHERAPY DEVICE" MEANS EQUIPMENT THAT EMITS
2 ULTRAVIOLET RADIATION AND THAT IS USED BY OR UNDER THE DIRECT
3 SUPERVISION OF A HEALTH CARE PROFESSIONAL IN THE TREATMENT OF
4 DISEASE.

5 (C) "STATE CIVIL INFRACTION" MEANS THAT TERM AS DEFINED IN
6 SECTION 113 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
7 SECTION 600.113 OF THE MICHIGAN COMPILED LAWS.

8 (D) "TANNING DEVICE" MEANS EQUIPMENT THAT EMITS ELECTROMAG-
9 NETIC RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200 AND 400
10 NANOMETERS AND IS USED FOR TANNING OF THE SKIN. TANNING DEVICE
11 INCLUDES, BUT IS NOT LIMITED TO, A SUNLAMP, TANNING BOOTH, OR
12 TANNING BED AND ACCOMPANYING EQUIPMENT INCLUDING, BUT NOT LIMITED
13 TO, PROTECTIVE EYEWEAR, TIMERS, AND HANDRAILS.

14 (E) "TANNING FACILITY" MEANS A LOCATION THAT PROVIDES INDI-
15 VIDUALS WITH ACCESS TO A TANNING DEVICE. TANNING FACILITY DOES
16 NOT INCLUDE A PRIVATE RESIDENCE WITH A TANNING DEVICE IF THE TAN-
17 NING DEVICE IS USED ONLY BY AN OWNER OR OCCUPANT OF THE PRIVATE
18 RESIDENCE.

19 SEC. 13403. (1) BEFORE ALLOWING AN INDIVIDUAL TO USE A TAN-
20 NING DEVICE IN A TANNING FACILITY, THE OWNER OR OPERATOR OR AN
21 EMPLOYEE OF THE TANNING FACILITY SHALL PROVIDE THE INDIVIDUAL
22 WITH A WRITTEN STATEMENT THAT CONTAINS ALL OF THE FOLLOWING
23 INFORMATION:

24 (A) NOT WEARING EITHER HIS OR HER OWN EYE PROTECTION OR EYE
25 PROTECTION MADE AVAILABLE TO THE INDIVIDUAL BY THE TANNING FACIL-
26 ITY WHILE USING A TANNING DEVICE MAY CAUSE DAMAGE TO THE EYES.

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

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

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

10 (i) TRANQUILIZERS.

11 (ii) DIURETICS.

12 (iii) ANTIBIOTICS.

13 (iv) HIGH BLOOD PRESSURE MEDICATION.

14 (v) BIRTH CONTROL MEDICATION.

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

18 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL CON-
19 SPICUOUSLY DISPLAY A POSTER IN AN AREA FREQUENTED BY CUSTOMERS.
20 THE POSTER SHALL BE PRINTED IN AT LEAST 32-POINT BOLDFACED TYPE
21 AND IN SUBSTANTIALLY THE FOLLOWING FORM:

22 "DANGER: ULTRAVIOLET RADIATION

23 1. FOLLOW INSTRUCTIONS.

24 2. AVOID TOO FREQUENT OR TOO LENGTHY EXPOSURE. AS WITH NAT-
25 URAL SUNLIGHT, EXPOSURE CAN CAUSE EYE AND SKIN INJURY AND ALLER-
26 GIC REACTIONS. REPEATED EXPOSURE MAY CAUSE CHRONIC SUN DAMAGE

1 CHARACTERIZED BY WRINKLING, DRYNESS, FRAGILITY, AND BRUISING OF
2 THE SKIN, AND SKIN CANCER.

3 3. WEAR PROTECTIVE EYEWEAR.

4 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE
5 BURNS AND LONG-TERM INJURY TO THE EYES

6 4. ULTRAVIOLET RADIATION FROM SUNLAMPS WILL INTENSIFY THE
7 EFFECTS OF THE SUN. THEREFORE, DO NOT SUNBATHE BEFORE OR AFTER
8 EXPOSURE TO ULTRAVIOLET RADIATION.

9 5. SOME ORAL OR SKIN MEDICATIONS OR COSMETICS MAY INCREASE
10 YOUR SENSITIVITY TO ULTRAVIOLET RADIATION. CONSULT YOUR PHYSI-
11 CIAN BEFORE USING A TANNING DEVICE IF YOU ARE USING MEDICATIONS,
12 HAVE A HISTORY OF SKIN PROBLEMS, OR BELIEVE YOU ARE ESPECIALLY
13 SENSITIVE TO SUNLIGHT. PREGNANT WOMEN OR WOMEN ON BIRTH CONTROL
14 PILLS WHO USE THIS TANNING DEVICE MAY DEVELOP DISCOLORED SKIN.

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

17 (3) THE OWNER OR OPERATOR OR AN EMPLOYEE OF A TANNING FACIL-
18 ITY SHALL NOT CLAIM OR DISTRIBUTE PRINTED PROMOTIONAL MATERIALS
19 THAT CLAIM OR OTHERWISE ADVERTISE THAT USING A TANNING DEVICE IS
20 SAFE, NONBURNING, OR FREE FROM RISK.

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

24 SEC. 13405. BEFORE ALLOWING A CUSTOMER TO USE A TANNING
25 DEVICE, THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL REQUIRE
26 THE CUSTOMER TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING THAT THE
27 CUSTOMER HAS READ AND UNDERSTOOD THE WRITTEN STATEMENT REQUIRED

1 UNDER SECTION 13403(1) AND AGREES TO USE PROTECTIVE EYEWEAR. THE
2 OWNER OR OPERATOR OF THE TANNING FACILITY SHALL DO ALL OF THE
3 FOLLOWING:

4 (A) REQUIRE A CUSTOMER TO SIGN THE STATEMENT AT LEAST ONCE
5 IN A 1-YEAR PERIOD.

6 (B) RETAIN THE WRITTEN STATEMENT FOR NOT LESS THAN 1 YEAR.

7 (C) MAKE THE WRITTEN STATEMENT AVAILABLE FOR INSPECTION UPON
8 REQUEST OF A LAW ENFORCEMENT OFFICER.

9 SEC. 13409. (1) WITHIN 5 WORKING DAYS AFTER THE OWNER OR
10 OPERATOR OF A TANNING FACILITY RECEIVES NOTICE OF AN INJURY THAT
11 IS ALLEGED TO HAVE OCCURRED IN THE TANNING FACILITY, HE OR SHE
12 SHALL REPORT THAT ALLEGED INJURY TO THE DEPARTMENT OF PUBLIC
13 HEALTH ON A FORM PROVIDED BY THE DEPARTMENT. THE REPORTING FORM
14 REQUIRED UNDER THIS SUBSECTION SHALL CONTAIN AT LEAST ALL OF THE
15 FOLLOWING INFORMATION:

16 (A) THE NAME OF THE PERSON WHO IS MAKING THE REPORT.

17 (B) THE NAME AND LOCATION OF THE TANNING FACILITY THAT IS
18 THE SUBJECT OF THE REPORT.

19 (C) THE NATURE OF THE ALLEGED INJURY.

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

22 (E) OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.

23 (2) THE DEPARTMENT SHALL MAINTAIN IN A RETRIEVABLE FORM ALL
24 REPORTS SUBMITTED UNDER SUBSECTION (1). THE DEPARTMENT SHALL
25 ESTABLISH A REGISTRY OF THOSE REPORTS. A REPORT MAINTAINED UNDER
26 THIS SECTION IS CONFIDENTIAL, AND THE DEPARTMENT SHALL RELEASE
27 THE INFORMATION CONTAINED IN THE REPORT ONLY UPON WRITTEN REQUFST

1 OF THE PERSON OR OWNER OR OPERATOR OF THE TANNING FACILITY WHO IS
2 THE SUBJECT OF THE REPORT, OR HIS OR HER GUARDIAN, EXECUTOR,
3 ATTORNEY, OR OTHER PERSON DESIGNATED IN WRITING BY THAT PERSON OR
4 OWNER OR OPERATOR. THE DEPARTMENT MAY ALSO RELEASE THE STATISTI-
5 CAL INFORMATION CONTAINED IN THE REPORTS, WITHOUT IDENTIFYING
6 INFORMATION, TO PERSONS AUTHORIZED BY THE DIRECTOR TO CONDUCT
7 RESEARCH STUDIES OR TO OTHER PERSONS WITH WHOM THE DIRECTOR
8 ENTERS INTO A CONTRACT FOR DATA COLLECTION, DATA MAINTENANCE,
9 DATA STORAGE, DATA RETRIEVAL, AND QUALITY CONTROL.

10 SEC. 13411. (1) AN OWNER OR OPERATOR OF A TANNING FACILITY
11 WHO VIOLATES THIS PART IS RESPONSIBLE FOR A STATE CIVIL INFRAC-
12 TION AND IS LIABLE FOR A CIVIL FINE OF NOT MORE THAN \$500.00 FOR
13 EACH VIOLATION.

14 (2) PROCEEDINGS UNDER THIS PART SHALL BE CONDUCTED UNDER
15 CHAPTER 88 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
16 SECTIONS 600.8801 TO 600.8835 OF THE MICHIGAN COMPILED LAWS.
17 FINES AND COSTS COLLECTED SHALL BE DISBURSED AS PROVIDED BY THAT
18 CHAPTER.

19 SEC. 13415. (1) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION
20 AUTHORIZED BY LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY
21 BRING A CIVIL ACTION FOR APPROPRIATE INJUNCTIVE RELIEF, IF THE
22 PERSON HAS USED THE TANNING FACILITY WITHIN 60 DAYS BEFORE THE
23 CIVIL ACTION IS FILED.

24 (2) THE REMEDIES UNDER THIS PART ARE INDEPENDENT AND
25 CUMULATIVE. THE USE OF 1 REMEDY BY A PERSON DOES NOT BAR THE USE
26 OF OTHER LAWFUL REMEDIES BY THAT PERSON OR THE USE OF A LAWFUL
27 REMEDY BY ANOTHER PERSON.