

HOUSE BILL No. 4405

March 12, 2013, Introduced by Reps. Townsend, Hovey-Wright, Slavens, Zemke and Lipton
and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 13405 (MCL 333.13405), as added by 2008 PA 368.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13405. (1) Before allowing a customer to use a tanning
2 device, the owner or operator of any tanning facility shall require
3 the customer to sign a written statement acknowledging that the
4 customer has read and understood the written statement required
5 under section 13403(1) and agrees to use protective eyewear. The
6 owner or operator of the tanning facility shall do all of the
7 following:

8 (a) Require a customer to sign the statement at least once in
9 a 1-year period.

10 (b) Retain the written statement for not less than 1 year.

11 (c) Make the written statement available for inspection upon

1 request of a law enforcement officer.

2 ~~(2) In the case of a customer under 18 years of age, the~~
3 ~~written statement described in subsection (1) shall also be signed~~
4 ~~by the customer's parent or legal guardian while the parent or~~
5 ~~legal guardian is physically present at the tanning facility and~~
6 ~~shall be signed in the presence of the owner or operator.~~ THE OWNER
7 OR OPERATOR OF A TANNING FACILITY SHALL NOT ALLOW A MINOR TO USE A
8 TANNING DEVICE.

9 (3) AN OWNER OR OPERATOR OF A TANNING FACILITY THAT VIOLATES
10 SUBSECTION (2) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF
11 NOT MORE THAN \$150.00 FOR EACH VIOLATION. PROOF THAT THE OWNER, THE
12 OPERATOR, OR AN EMPLOYEE OF THE TANNING FACILITY DEMANDED AND WAS
13 SHOWN A DRIVER LICENSE OR IDENTIFICATION CARD ISSUED BY THIS OR
14 ANOTHER STATE, A MILITARY IDENTIFICATION CARD, A PASSPORT, OR OTHER
15 GOVERNMENT-ISSUED IDENTIFICATION THAT CONTAINS THE NAME, AGE, AND A
16 PHOTOGRAPH OF THE INDIVIDUAL, AND PROOF THAT THE IDENTIFICATION
17 INDICATED THAT THE INDIVIDUAL WAS NOT A MINOR, IS A DEFENSE TO AN
18 ACTION FOR A VIOLATION OF SUBSECTION (2).