

By Mr. Burke, petition (accompanied by bill, Senate, No. 384) of Edward L. Burke, Louis L. Kafka and Karen O'Rourke for legislation relative to the health effects of ultraviolet radiation. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT RELATIVE TO THE HEALTH EFFECTS OF ULTRAVIOLET RADIATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby  
2 amended by adding the following eight sections: -

3 Section 207. For the purposes of sections two hundred and  
4 eight to two hundred and fourteen, inclusive, the following words  
5 shall, unless the context clearly indicates otherwise, have the  
6 following meanings:

7 "Board of health" or "board", the board of health, including  
8 the board or officer having like powers and duties in towns where  
9 there is no board of health, with jurisdiction in the community  
10 in which a tanning facility is located.

11 "Phototherapy device", equipment that emits ultraviolet  
12 radiation and is used by health care professionals in the treatment  
13 of disease.

14 "Tanning device", any equipment that emits electromagnetic  
15 radiation with wavelengths in the air between two hundred and  
16 four hundred nanometers used for tanning the skin, including but  
17 not limited to, a tanning booth, tanning bed or sunlamp which  
18 includes high pressure tanning lamps. Tanning device shall also  
19 include any accompanying equipment, including, but not limited  
20 to, protective eyewear, timers and handrails.

21 "Tanning facility", any location, place, area, structure or  
22 business which provides access to any tanning devices.

23 Section 208. No access shall be provided to any tanning device  
24 by a tanning facility until said facility has been granted a license  
25 therefor by the board of health. Each license granted hereunder  
26 shall expire one year from the date of its issue. The fee for each  
27 such license and annual renewal thereof shall be determined by  
28 the board. The board shall inspect each tanning facility within  
29 thirty days of licensure and every six months thereafter. A tanning  
30 facility which fails to comply with the provisions of this section,  
31 sections two hundred and nine to two hundred and fourteen,  
32 inclusive or any other applicable law, rule or regulation shall have  
33 seven days after written notice of such failure in which to comply  
34 with such requirements. Upon such a failure to comply the board  
35 may revoke its license. Any person aggrieved by any determina-  
36 tion of the board pursuant to sections two hundred and seven to  
37 two hundred and thirteen, inclusive, may appeal to the department  
38 within twenty days of said determination. Any person, including  
39 but not limited to the board, aggrieved by a determination of the  
40 department may appeal said decision pursuant to the provisions  
41 of section fourteen of chapter thirty A.

42 Section 209. A tanning facility shall give each customer a  
43 written statement of warning and shall post a notice in a  
44 conspicuous place in every area in which a tanning device is used.  
45 Said notice shall be at least eight and one-half inches wide by  
46 eleven inches long and printed in white on a red background. Said  
47 statement and notice shall contain the following information in  
48 substantially the following form:

49 DANGER: ULTRAVIOLET RADIATION.

50 1. Follow instructions.

51 2. Avoid too frequent or lengthy exposure. As with natural  
52 sunlight, exposure to a sunlamp may cause eye and skin injury  
53 and allergic reaction. Repeated exposure may cause chronic  
54 damage characterized by wrinkling, dryness, fragility, bruising of  
55 the skin and skin cancer.

56 3. Wear protective eyewear. FAILURE TO USE PROTEC-  
57 TIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR  
58 LONG TERM INJURY TO THE EYES.

59 4. Ultraviolet radiation from sunlamps aggravates the effects  
60 of sun. Do not sunbathe before or after exposure to ultraviolet  
61 radiation.

62 5. Abnormal or increased skin sensitivity or burning may be  
63 caused by certain foods, cosmetics or medications, including but  
64 not limited to, tranquilizers, diuretics, antibiotics, high blood  
65 pressure medication, birth control pills and skin creams. Consult  
66 a physician before using a sunlamp if you are taking medication,  
67 have a history of skin problems, or believe you are especially  
68 sensitive to sunlight. Pregnant women or women on birth control  
69 pills who use a tanning device may develop discolored skin.

70 6. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT  
71 TAN FROM USE OF THIS DEVICE. Use of a tanning device  
72 does not provide substantial protective base against the effects of  
73 the sun.

74 Each time a person uses a tanning facility, or each time a person  
75 executes or renews a contract to use a tanning facility he shall  
76 sign a written statement acknowledging that he has read and  
77 understood such warnings.

78 Section 210. A tanning facility shall at all times during  
79 operating hours have an operator present who is sufficiently  
80 knowledgeable in the correct operation of the tanning devices used  
81 at the tanning facility to be able to inform and assist each customer  
82 in the proper use of the tanning devices and to provide sanitized  
83 protective eyewear and towels. No person shall use a tanning  
84 device without such protective eyewear.

85 A tanning facility shall (i) limit each customer to the maximum  
86 exposure established by the department, (ii) control the interior  
87 temperature so it does not exceed one hundred degrees  
88 Fahrenheit, and (iii) use a timer that has an accuracy of plus or  
89 minus ten percent of any selected time interval and check that  
90 selected time has not been extended for each customer.

91 Section 211. No person fourteen years of age or older but less  
92 than eighteen years of age shall use a tanning device without the  
93 prior written consent of a parent or legal guardian who shall  
94 indicate therein that he has read and understood the warnings  
95 given by the tanning facility.

96 No person under fourteen years of age shall use a tanning device  
97 unless accompanied by a parent or legal guardian.

98 Section 212. No tanning facility shall claim or distribute  
99 promotional material that claims the use of a tanning device is  
100 safe and free from risk. The liability of a tanning facility operator

101 or manufacturer of a tanning device shall not be affected by the  
102 giving of the warnings required by section two hundred and nine.

103 A tanning facility shall send a written report of any injury or  
104 complaint of injury to the board of health with a copy to the  
105 complainant or injured person. The board shall retain said reports  
106 for a period of at least one year from the date of receipt thereof  
107 and shall allow public inspection thereof.

108 Section 213. The board of health, local health agent, or  
109 department shall have access at all reasonable times to any tanning  
110 facility for the purposes of inspecting said facility.

111 The department may promulgate such rules and regulations as  
112 may be necessary for the implementation of sections two hundred  
113 and seven to two hundred and fourteen, inclusive including but  
114 not limited to, the maximum exposure limit for persons using a  
115 tanning device which shall not exceed the manufacturer's  
116 recommended maximum exposure time.

117 The provisions of sections two hundred and seven to two  
118 hundred and fourteen, inclusive, shall not apply to a phototherapy  
119 device used by or under the supervision of a licensed physician  
120 who is trained in the use of such phototherapy device.

121 Section 214. Whoever violates any provision of sections two  
122 hundred and seven to two hundred and thirteen, inclusive or any  
123 rule or regulation of the department promulgated thereunder shall  
124 be punished by a fine of not less than two hundred dollars nor  
125 more than two thousand dollars.

1 SECTION 2. The provisions of this act shall take effect on July  
2 first, nineteen hundred and ninety-two.