



CHILDREN'S ENVIRONMENTAL HEALTH &
PROTECTION ADVISORY COUNCIL

March 27, 2019

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations
House Office Building, Room 241
Annapolis, MD 21401

The Honorable Delores G. Kelley
Chair, Finance
Miller Senate Office Building, 3 East
Annapolis, MD 21401

RE: **SUPPORT House Bill 124 / Senate Bill 299** *Tanning Devices - Use by Minors*

Dear Chair Pendergrass and Chair Pinsky:

The Children's Environmental Health & Protection Advisory Council (CEHPAC) respectfully submits this letter in **SUPPORT** of **House Bill 124 / Senate Bill 299** *Tanning Devices - Use by Minors*. The purpose of these bills is to ensure that a tanning facility may not allow a minor to use a tanning device at a tanning facility, negating the need to mandate parental written consent. Thus, the bill includes repealing the exemption authorizing a parent or legal guardian of minors to provide written consent for the minor to use a tanning device at a tanning facility.

In the 2008 legislative session, the General Assembly passed HB 1358, which provided authority for the Maryland Health Department to adopt regulations on parental informed consent and age verification for minors' use of tanning devices. The legislation's purpose included "prohibiting owners, employees and operators of tanning facilities from allowing minors to use certain tanning devices unless certain individuals provide consent for the minors in a certain manner" and "requiring certain owners, employees and operators of tanning facilities to require certain documentation before allowing certain individuals access to tanning facilities."

The legislation's preamble noted that "[m]ore than 2,300,000 teenagers use artificial tanning devices each year." The preamble also stated that the World Health Organization [WHO] and the American Academy of Pediatrics [AAP] have taken positions against the use of tanning devices by minors. The preamble also stated: "It is in the public interest to protect children from the harmful effects of ultraviolet radiation through the use of artificial tanning devices by restricting minors' access to such devices unless authorized by a physician."

In compliance with Health-General Article, §20-106, Annotated Code of Maryland, the Health Department adopted regulations on the use of tanning devices by minors. The regulations (Code of Maryland Regulations 10.52.06), which became effective on June 29, 2009, established procedures for written consent; a requirement that persons in charge of tanning facilities use the consent form prescribed by the Department; a requirement to verify the age of persons seeking to use tanning devices; record-keeping; and a process for complaints, investigations, and enforcement.

CEHPAC concurs with the positions of the WHO and the AAP in that it is prudent to prohibit children from using any tanning devices due to the harmful effects of such devices. CEHPAC recognizes that a tanning device does not mean a phototherapy device prescribed by a physician for medical purposes. Additionally, we concur with the Maryland State Medical Society (MedChi) in their letter of November 5, 2012 [regarding tanning of minors]: "the World Health Organization has classified the ultraviolet radiation used in...tanning facility as a Class 1 carcinogen, the same category as tobacco. By exposing...a child to ultraviolet radiation in...a tanning facility, the possibility of... melanoma (skin cancer) will increase."

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As defined in statute (Md. Code Ann., Health-General §§ 13-1501 thru 1506), CEHPAC seeks to ensure that the rules, regulations, and standards adequately protect the health of children from environmental hazards. CEHPAC's goal is to enable children in Maryland to grow up in a safe and healthy environment. Our duties include:

- ✓ provide input to the General Assembly on legislation that may impact environmental hazards that affect the health of children;
- ✓ recommend uniform guidelines for State agencies to follow to help reduce and eliminate children's exposure to environmental hazards; and
- ✓ educate others regarding the environmental hazards that impact children's health, the means to avoid those hazards and provide any other relevant information that will assist in protecting children health.

In establishing CEHPAC, the Maryland General Assembly clearly identified children's environmental health as a priority for the State. HB 124/SB 299 addresses some of our concerns regarding the impact to children from exposure to tanning devices, which can and do affect children's health. CEHPAC has increasingly seen the need to advocate for basic protections for children from hazards, such as tanning devices. HB 124/SB 299 is a means of ensuring that children will no longer come in contact with such a device in a commercial setting in Maryland.

The position of the Council is that the use of tanning devices for non-medical reasons poses a serious health risk, and they should not be used by minors. CEHPAC looks forward to working with the General Assembly on this and other issues, and appreciates your leadership on this issue. The opinions of the Council expressed in this letter do not necessarily reflect that of the Department of Health and Mental Hygiene or any other State agency.

Sincerely,



Megan Weil Latshaw, PhD, MHS

On Behalf of the Children's Environmental Health and Protection Advisory Council