



USE OF TANNING DEVICES BY MINORS

COMAR 10.52.06 Preventive Medicine

Clifford S. Mitchell, MS, MD, MPH

Acting Assistant Director
Office of Environmental Health and Food Control

Infectious Disease and Environmental Health Administration
Maryland Department of Health and Mental Hygiene

1



The Law

- Health-General Article, §20-106
- Key Provisions:
 - Owner, employee, or operator of a tanning facility may not allow a minor under 18 years to use a tanning device unless the parent or legal guardian provides written consent on the premises in the presence of the owner/ employer/operator
 - Owner/employee/operator shall require appropriate documentation to verify the age of an individual before allowing access to a tanning device

2



The Regulation

- COMAR 10.52.06
- Became effective on June 29, 2009
- Modeled after Clean Indoor Air Act
 - Complaint driven
 - Locally enforced
 - Consistency across the state

3



Scope

- Affects tanning by minors (although one aspect – proof of age – affects everyone who tans)
- Local jurisdictions may enact stricter ordinances

4



Definitions

- Minor: individual younger than 18 years old
- Person-in-charge: owner, operator, manager, employee, or other individual who is in charge of the facility and is on site
- Tanning device: sunlamps, tanning booths, tanning beds, or any tanning equipment
- Tanning facility: A place where tanning device is used for a fee, membership dues, or other compensation

5



Exclusions

- Does not apply to:
 - Devices used for medical purposes by health professionals or devices not intended for human tanning

6



Tanning of Minors

- A person-in-charge may not allow a minor to use a tanning device at a tanning facility without a consent form that has been signed by the parent or legal guardian in the presence of the person-in-charge


7



Identification of Parent or Legal Guardian

- The person-in-charge must verify the identity of the parent or legal guardian with a State or federal government-issued ID

8



**TANNING FACILITY
PARENT/GUARDIAN CONSENT FORM**

Mississippi law states that an owner, employee, or operator of a tanning facility may not allow a minor under the age of 18 years to use a tanning device unless the minor's parent or legal guardian provides written consent on the premises of the tanning facility and in the presence of an owner, employee, or operator of the tanning facility. (MS Code Ann., Health General Article §19-104(b)).

WHAT YOU SHOULD KNOW ABOUT TANNING:

AVOID OVEREXPOSURE
Artificial tanning devices can cause eye and skin injury and allergic reactions, just like natural sunlight. They can also cause brain, premature aging of the skin, and skin cancer. Injuries during childhood and adolescence are associated with an increased risk for developing malignant skin cancer later in life. If you don't get a tan in the sun, you probably won't get a tan using a tanning device.

ULTRAVIOLET RADIATION SENSITIVITY
Certain medicines, cosmetics, and foods can increase the risk of complications from ultraviolet radiation and tanning for some people. Make sure you review a list of these possible interactions before you use a tanning device.

PROTECTIVE EYE WEAR
Failure to use FDA-certified protective eyewear may result in severe burns or long-term injury to the eye.

CONSENT

I have read and understood the above stated facts about tanning.

I am the _____ parent or _____ legal guardian (check one) of _____, who is a minor not yet 18 years of age. (Print name of minor)

As the parent or legal guardian of the minor named above, I give consent for him/her to use the tanning device in this facility _____ as shown below (mark only one box):

(Name and Address of Facility)

Our visit only

A total of _____ visits from start date _____ to end date _____

Unlimited


Signature of Minor: _____ Date: _____
 Signature of parent/legal guardian: _____ Date: _____
 Print name of parent/legal guardian: _____
 Contact information: Street, City, Zip _____ Phone: _____

Signature of Owner/Operator: _____ Date: _____
 Print name of Owner/Operator: _____

This consent fees expires when the named minor reaches 18 years of age or on the end date indicated above, whichever comes first.

DHHS# 64088 Approved 8/19/2009


9



The Consent Form

- Tanning facilities must use DHMH consent form
- Located on DHMH Website
- Available at Local Health Departments


10



Three Options for Parents

- One tanning visit only
- A total of _____ visits from start date: _____ to end date _____
- Unlimited (to age 18)

11



Signatures

- Who must sign the consent form?
 - The minor
 - The parent or legal guardian
 - The Owner/Operator

12



Expiration Date

- The consent form expires when:
 - The named minor reaches 18 years of age; OR
 - On the end date indicated on the form – whichever comes first

13



Verification of Age for All Users

- A person-in-charge may not allow someone to use a tanning device without EITHER:
 - Confirmation that the person is not a minor, with a State or federal government-issued ID; OR
 - An unexpired signed consent form if the person is a minor

14



Record Keeping

- The Tanning Facility must maintain records for each minor:
 - The dates the minor used a tanning device
 - The duration of exposure for each session of use
 - The cumulative duration of exposure
 - A signed consent form
- Record must be available for inspection by the parent or guardian

15



Complaints

- Complaints can come to the health officer by mail, letter, email (DHMH will also refer complaints)
- Complaint form available on DHMH web site and from Local Health Departments
- Form submitted to the local health department in the jurisdiction where the business establishment is located

16



Possible Violations

- Allowing minors to tan without obtaining consent from a parent or guardian, using DHMH form
- Not obtaining consent in person
- Not verifying the identity of the parent or guardian with a State or federally-issued ID
- Allowing a customer to tan without verifying that the customer is either not a minor (with a State or federally-issued ID) or, if a minor, that there is an unexpired consent form on file

17



INVESTIGATIONS

- If it is determined that inspection is appropriate, use the Maryland Tanning Facility Investigation Form, documenting:
 - Findings
 - Details, including witness statements
- Provide a signed copy to the person in charge

18



PENALTIES

- 1st violation: Letter of Reprimand
- 2nd violation: civil penalty \$250.00
- 3rd violation: civil penalty \$500.00
- 4th violation: civil penalty \$1000.00
\$1000 – for each subsequent violation

19



Request for Hearing/Appeal

- The Owner must submit a written request for a hearing to DHMH within 10 days
- Hearings by the Office of Administrative Hearings

20