

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1163

Introduced by Lautenbaugh, 18.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to tanning facilities; to define terms;
- 2 to require posted and signed warnings; and to provide
- 3 penalties.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of this act:

2 (1) Consumer means an individual who is provided access
3 to a tanning facility;

4 (2) Operator means an individual designated by the
5 tanning facility owner or tanning equipment lessee to operate,
6 or to assist and instruct the consumer in the operation and use of,
7 the tanning facility or tanning equipment;

8 (3) Tanning equipment means ultraviolet or other lamps
9 and equipment containing these lamps intended to induce skin
10 tanning through the irradiation of any part of the living human
11 body with ultraviolet radiation;

12 (4) Tanning facility means a location, place, area,
13 structure, or business or a part thereof which provides consumers
14 access to tanning equipment. Tanning facility includes, but is
15 not limited to, tanning salons, health clubs, apartments, or
16 condominiums regardless of whether a fee is charged for access to
17 the tanning equipment; and

18 (5) Ultraviolet radiation means electromagnetic radiation
19 with wavelengths in air between two hundred nanometers and four
20 hundred nanometers.

21 Sec. 2. This act does not apply to:

22 (1) A person who (a) uses equipment which emits
23 ultraviolet radiation incidental to its normal operation and (b)
24 does not use such equipment to deliberately expose parts of the
25 living human body to ultraviolet radiation for the purpose of

1 tanning or other treatment;

2 (2) A physician licensed under the Uniform Licensing Law
3 prior to December 1, 2008, or the Uniform Credentialing Act on
4 and after December 1, 2008, who uses, in the practice of medicine,
5 medical diagnostic and therapeutic equipment that emits ultraviolet
6 radiation; or

7 (3) An individual who owns tanning equipment exclusively
8 for personal, noncommercial use.

9 Sec. 3. (1) A tanning facility owner or tanning equipment
10 lessee shall conspicuously post the warning sign described in this
11 section within three feet of each piece of tanning equipment. The
12 sign shall be clearly visible, not be obstructed by any barrier,
13 equipment, or other object, and be posted so that it can be easily
14 viewed by the consumer before using the tanning equipment.

15 (2) The warning sign required by this section shall have
16 the following wording:

17 DANGER!!!

18 ULTRAVIOLET RADIATION

19 Frequent use or overexposure leads to accumulation
20 of ultraviolet radiation, which may cause skin cancers, such
21 as malignant melanoma, squamous cell carcinoma, or basal cell
22 carcinoma, eye injury, or other skin damage or injury, including
23 premature aging of the skin, or allergic reactions.

24 Medications or cosmetics may increase your sensitivity
25 to the ultraviolet radiation. Consult a physician before using a

1 sunlamp or tanning equipment if you are using medications or have
2 a history of skin problems or believe yourself to be especially
3 sensitive to sunlight.

4 (3) The warning sign required by this section shall be
5 printed on white paper, eight and one-half inches by eleven inches
6 in size. The warning sign shall be available and must be obtained
7 from the Department of Health and Human Services in its required
8 wording, paper, font color and size, and format specifications
9 by mail or electronic means. The word DANGER!!! shall be in
10 size forty-six Arial-style font, in red ink, underlined, and
11 italicized. The words ULTRAVIOLET RADIATION shall be in size
12 forty-two Arial-style font, in red ink, underlined, and italicized.
13 The words in the first paragraph of the warning shall be in size
14 twenty-eight Arial-style bold font, with the words skin cancers
15 underlined and in red link and the words malignant melanoma,
16 squamous cell carcinoma, and basal cell carcinoma underlined. The
17 words in the second paragraph of the warning shall be in size
18 twenty-four Arial-style bold font.

19 Sec. 4. (1) A tanning facility owner or tanning equipment
20 lessee shall require the operator to provide each consumer, before
21 initial exposure to the tanning equipment at such facility, with
22 a copy of the warning described in this section which shall be
23 signed, witnessed, and dated as indicated in the warning.

24 (2) The warning required by this section shall be printed
25 on a plain white sheet of paper, eight and one-half inches by

1 eleven inches in size, with the words in no less than size sixteen,
2 Arial-style font.

3 WARNING

4 This warning must be read and signed by the consumer
5 BEFORE first exposure to ultraviolet radiation for tanning purposes
6 at this facility.

7 DANGER!!!

8 ULTRAVIOLET RADIATION

9 Frequent use or overexposure leads to accumulation
10 of ultraviolet radiation, which may cause skin cancers, such
11 as malignant melanoma, squamous cell carcinoma, or basal cell
12 carcinoma, eye injury, or other skin damage or injury, including
13 premature aging of the skin, or allergic reactions.

14 Medications or cosmetics may increase your sensitivity
15 to the ultraviolet radiation. Consult a physician before using a
16 sunlamp or tanning equipment if you are using medications or have
17 a history of skin problems or believe yourself to be especially
18 sensitive to sunlight.

19 I have read this warning and understand what it means
20 before undertaking any tanning equipment exposure.

21

22

23 Signatures of Owner(s) or Lessee(s) and Operator(s) of
24 Tanning Facility or Equipment

25

1 Signature of Consumer, or Parent or Guardian if Consumer

2 is Younger than 19 Years Old

3

4 Print Name of Consumer, or Parent or Guardian if Consumer

5 is Younger than 19 Years Old

6

7 Witnessing Operator's Signature

8

9 Date

10 OR

11 The consumer is illiterate and/or visually impaired and I

12 have read the warning statement aloud and in full to the consumer

13 in the presence of the below signed witness.

14

15

16 Signature of Owner(s) or Lessee(s) and Operator(s) of

17 Tanning Facility or Equipment

18

19 Witness

20

21 Date

22 Sec. 5. The owner or lessee of a tanning facility shall

23 provide a copy of a warning completed pursuant to section 4 of this

24 act to the consumer who signed the form and shall maintain the

25 original copy of such warning for a period of ten years.

1 Sec. 6. The owner or lessee of a tanning facility shall
2 make the original copies of signed warning forms available for
3 inspection by the Department of Health and Human Services or any
4 person designated by the department at any time during the normal
5 business hours of the facility.

6 Sec. 7. Any person who leases tanning equipment or who
7 owns a tanning facility and who operates or permits the equipment
8 or facility to be operated in violation of the requirements of this
9 act is guilty of a Class III misdemeanor. Any operator who violates
10 the requirements of this act is guilty of a Class III misdemeanor.