

By: Solomons

H.B. No. 1310

A BILL TO BE ENTITLED

AN ACT

relating to the use of a tanning facility device by a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 145.008(f), (g), and (i), Health and Safety Code, are amended to read as follows:

(f) To ensure the proper operation of the tanning equipment, a tanning facility may not allow a person younger than 18 [~~13~~] years of age to use a tanning device unless:

(1) the facility receives written permission from the person's physician allowing the person to use the device for:

(A) the number of visits specified by the physician; or

(B) a period of 12 months; and

(2) the person's parent or legal guardian remains at the tanning facility while the person uses the device.

(g) Before any person younger than 18 [~~16 or 17~~] years of age uses a tanning facility device for the first time, the person must give the operator a written informed consent statement signed and dated by the person's parent or legal guardian stating that the parent or legal guardian:

(1) has read and understood the warnings given by the tanning facility;

(2) [~~7~~] consents to the minor's use of a tanning device; [~~7~~] and

1           (3) agrees that the minor will use protective eyewear.  
2 ~~[In addition, a person 13, 14, or 15 years of age must be~~  
3 ~~accompanied by a parent or legal guardian who must remain at the~~  
4 ~~tanning facility while the person uses the tanning device.]~~

5           (i) A record of each customer using a tanning device shall  
6 be maintained at the tanning facility at least until the third  
7 anniversary of the date of the customer's last use of a tanning  
8 device. The executive commissioner of the Health and Human  
9 Services Commission ~~[board]~~ by rule shall prescribe the form and  
10 content of the records. The record shall include:

11           (1) the date and time of the customer's use of a  
12 tanning device;

13           (2) the length of time the tanning device was used;

14           (3) any injury or illness resulting from the use of a  
15 tanning device;

16           (4) any written informed consent statement required to  
17 be signed under Subsection (e);

18           (5) the customer's skin type, as determined by the  
19 customer by using the Fitzpatrick scale for classifying a skin  
20 type;

21           (6) whether the customer has a family history of skin  
22 cancer; ~~[and]~~

23           (7) whether the customer has a past medical history of  
24 skin cancer; and

25           (8) a copy of any physician's written permission  
26 required under Subsection (f)(1).

27           SECTION 2. This Act takes effect September 1, 2009.