

By: Solomons

H. B. No. 1310

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

13 (B) a period of 12 months; and

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

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

21 (1) has read and understood the warnings given by the
22 tanning facility:

23 (2) [] consents to the minor's use of a tanning
24 device:[] 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.