
A BILL FOR AN ACT

RELATING TO TANNING.

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

1 SECTION 1. The legislature finds that many physicians and
2 scientists now warn that the health risks associated with
3 suntanning are greater when tanning with artificial ultraviolet
4 light. Specifically, those health risks include but are not
5 limited to sunburn, premature aging, skin cancer, retinal
6 damage, formation of cataracts, suppression of the immune
7 system, and damage to the vascular system.

8 The legislature further finds that certain medications,
9 cosmetics, and foods are "photosensitizing," which means that in
10 some people, they react unfavorably with ultraviolet light to
11 produce skin rashes or burns, and sunlamps and other artificial
12 sources of ultraviolet light are known to intensify these
13 effects. In light of this, the legislature further finds that
14 it is necessary to protect and promote the public health,
15 safety, and welfare concerning tanning with artificial
16 ultraviolet light, especially where minors are concerned.



1 Accordingly, the purpose of this Act is to make it unlawful
2 for tanning facilities and operators to allow the use of tanning
3 beds by anyone under the age of eighteen.

4 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§321- Tanning facilities; minors; penalties. (a) It
8 shall be unlawful for any tanning facility owner, lessee, or
9 operator to allow any person under the age of eighteen to use
10 any tanning equipment.

11 (b) A tanning facility owner, lessee, or operator shall
12 post in a conspicuous place in each tanning facility that the
13 individual owns, leases, or operates in this State, a notice
14 developed by the director of health addressing the following:

15 (1) That it is unlawful for a tanning facility owner,
16 lessee, or operator to allow a person under the age of
17 eighteen to use any tanning equipment;

18 (2) That any tanning facility owner, lessee, or operator
19 violating this section shall be subject to a fine;

20 (3) That any individual may report a violation of this
21 section to the individual's local law enforcement
22 agency; and



1 (4) The health risks associated with tanning.

2 (c) The director of health shall impose on a person who
3 violates this section:

4 (1) For a first violation, a fine not to exceed \$250; and

5 (2) For each subsequent violation, a fine not to exceed
6 \$500.

7 (d) This section shall not apply to any physician duly
8 licensed to practice medicine who uses, in the practice of
9 medicine, medical diagnostic and therapeutic equipment that
10 emits ultraviolet radiation or to any person who owns tanning
11 equipment exclusively for personal, noncommercial use.

12 (e) The director of health may adopt rules in accordance
13 with chapter 91 to implement this section.

14 (f) As used in this section:

15 "Operator" means a person designated by the tanning
16 facility owner or tanning equipment lessee to operate or assist
17 and instruct in the operation and use of the tanning facility or
18 tanning equipment.

19 "Tanning equipment" means any device that emits
20 electromagnetic radiation with wavelengths in the air between
21 200 and 400 nanometers used for tanning of the skin, including
22 but not limited to sunlamps, tanning booths, or tanning beds.



1 "Tanning facility" means any location, place, area,
2 structure, or business that provides persons access to any
3 tanning equipment, including tanning salons, health clubs, gyms,
4 apartments, condominiums, and hotels, regardless of whether a
5 fee is charged for access to the tanning equipment."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Tanning Facilities; Minors; Penalties

Description:

Makes it unlawful for tanning facility owners, lessees, and operators to allow use of tanning beds by anyone under the age of eighteen. Effective 07/01/50. (SD1)

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