
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 sunburn,
5 premature aging, skin cancer, retinal damage, formation of
6 cataracts, suppression of the immune system, and damage to the
7 vascular system. The legislature further finds that certain
8 medications, cosmetics, and foods are "photosensitizing," which
9 means that they react unfavorably with ultraviolet light in some
10 people, resulting in skin rashes or burns. Sunlamps and other
11 artificial sources of ultraviolet light are known to intensify
12 these effects.

13 The legislature also finds that statutory regulation is
14 necessary to protect and promote public health, safety, and
15 welfare concerning tanning with artificial ultraviolet light,
16 especially where minors are concerned.

17 The purpose of this Act is to:



1 (1) Make it unlawful for tanning facilities and operators
2 in the State to allow the use of tanning equipment by
3 anyone under the age of eighteen; and

4 (2) Require all tanning facilities and operators in the
5 State to provide written notice and post warning signs
6 regarding health and safety risks associated with
7 ultraviolet light; and meet certain requirements
8 relating to the safe operation of tanning equipment.

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

12 "§321- Tanning facilities; minors; notice;
13 requirements; penalties. (a) This section shall apply to any
14 tanning facility in Hawaii; provided that it shall not apply to
15 any physician duly licensed to practice medicine under chapter
16 453 who uses, in the practice of medicine, medical diagnostic
17 and therapeutic equipment that emit ultraviolet radiation or to
18 any person who owns tanning equipment exclusively for personal,
19 noncommercial use.

20 (b) It shall be unlawful for a tanning facility or
21 operator to allow any person under the age of eighteen years to
22 use any tanning equipment.



1 (c) Each tanning facility in the State shall provide each
2 of its customers written notice before initial use of any
3 tanning equipment and at the beginning of each succeeding
4 calendar year. The form of the written notice shall be
5 substantially as follows:

6 (1) Failure to wear eye protection provided by the tanning
7 facility may damage the customer's eyes and cause
8 cataracts;

9 (2) Overexposure to ultraviolet light from tanning
10 equipment may cause burns to the skin;
11 (3) Repeated exposure to ultraviolet light from tanning
12 equipment may cause premature aging of the skin and
13 skin cancer;

14 (4) Abnormal skin sensitivity or burning of the skin while
15 using tanning equipment may be caused by certain
16 foods; certain cosmetics; or certain medications,
17 including tranquilizers, diuretics, antibiotics, high
18 blood pressure medicines, and birth control pills; and

19 (5) Any person who takes medication should consult a
20 physician before using tanning equipment.

21 (d) Each tanning facility in the State shall prominently
22 display a warning sign in each area where tanning equipment is



1 used. The form of the warning sign shall be substantially as
2 follows:

3 (1) Follow instructions;

4 (2) Avoid too frequent or too lengthy exposure. Like
5 exposure to the sun, use of tanning equipment can
6 cause eye and skin injury and allergic reactions.

7 Repeated exposure can cause chronic sun damage, which
8 is characterized by wrinkling, dryness, fragility and
9 bruising of the skin, and skin cancer;

10 (3) Wear protective eyewear. Failure to do so may result
11 in severe burns or long-term injury to the eyes;

12 (4) Medications and cosmetics may increase your
13 sensitivity to ultraviolet radiation. Consult a
14 physician before using tanning equipment if you are
15 especially sensitive to sunlight; and

16 (5) If your skin does not tan when exposed to the sun, it
17 is unlikely that your skin will tan when exposed to
18 ultraviolet light produced by this tanning equipment.

19 (e) The owner, lessee, or operator of a tanning facility
20 shall ensure that all of the following requirements are met:

21 (1) No customer under eighteen years of age shall be
22 permitted to use the tanning facility. Proof of age



1 shall be satisfied with a government-issued photo
2 identification document containing the date of birth
3 of the customer;

4 (2) A trained operator, who is able to inform customers
5 about and assist customers in the proper use of
6 tanning equipment, shall be present at the tanning
7 facility during operating hours;

8 (3) Each tanning bed is properly sanitized after each use;

9 (4) Prior to using tanning equipment, each customer shall
10 be provided with properly sanitized and securely-
11 fitted protective eyewear that protects the wearer's
12 eyes from ultraviolet radiation and allows enough
13 vision to maintain balance;

14 (5) A customer shall not be permitted to use tanning
15 equipment unless the customer uses protective eyewear;

16 (6) Each customer shall be shown how to use physical aids,
17 such as handrails and floor markings, to maintain
18 proper exposure distance from tanning equipment, as
19 recommended by the manufacturer;

20 (7) A timing device that is accurate within ten per cent
21 of any selected timer interval shall control tanning



- 1 equipment and shall be remotely located so customers
2 cannot set their own exposure time;
- 3 (8) All tanning equipment shall be equipped with a
4 mechanism that allows the customer to turn the tanning
5 equipment off;
- 6 (9) Each customer shall be limited to the maximum exposure
7 time recommended by the manufacturer for that
8 customer's skin type;
- 9 (10) Customers shall not use any tanning equipment more
10 than once every twenty-four hours;
- 11 (11) The interior temperature of a tanning bed shall not
12 exceed one hundred degrees Fahrenheit; and
- 13 (12) Signed customer statements, as required by subsection
14 (f), shall be retained for three years or until the
15 customer signs a new statement.
- 16 (f) No person shall use the tanning equipment of a tanning
17 facility unless the following requirements are met:
- 18 (1) Before the initial use of any tanning equipment and at
19 the beginning of each succeeding calendar year, a
20 customer shall sign a statement acknowledging that the
21 customer has read and understands the written notice
22 required by subsection (c) and the warning sign



1 required by subsection (d) and agrees to use
2 protective eyewear; and

3 (2) A customer agrees to use protective eyewear at all
4 times while using tanning equipment.

5 (g) The director of health may impose a fine upon any
6 operator of a tanning facility who violates this section. A
7 fine shall not exceed:

8 (1) \$ for a first violation; and

9 (2) \$ for each subsequent violation.

10 (h) The director of health may adopt rules in accordance
11 with chapter 91 to implement this section.

12 (i) As used in this section:

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

17 "Tanning bed" means a structure in which an individual
18 stands or reclines for the purpose of tanning the skin by
19 exposing it to sunlamps.

20 "Tanning equipment" means any device that emits
21 electromagnetic radiation with wavelengths in the air between



1 200 and 400 nanometers used for tanning of the skin, including
2 but not limited to sunlamps, tanning booths, or tanning beds.

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

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Tanning Facilities; Tanning Equipment; Notice; Warning Signs;
Requirements; Minors; Penalties

Description:

Makes it unlawful for tanning facilities and operators to allow use of tanning equipment by anyone under the age of eighteen. Requires all tanning facilities and operators to provide written notice, post warning signs, and meet certain requirements relating to the safe operation of tanning equipment. Effective 07/01/2050. (SD2)

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