

Amend **HB 1310** (House Committee Report) by striking all below the enacting clause and substituting the following:

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:

(1) a person younger than 16.5 [13] years of age to use a tanning device; and

(2) a person younger than 18 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; and~~

~~[(2)] the person's parent or legal guardian, in person at the facility, consents in writing for the person to use the device, which may be revoked at any time [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 and the person's parent or legal guardian stating that the person and the parent or legal guardian:

(1) have [has] read and understood the advisory statement issued by the Texas Medical Board, warning of the dangers of indoor and outdoor tanning and its association with skin cancer, eye damage, and other health risks, provided [warnings given] by the tanning facility; [7, consents to the minor's use of a tanning device,] and

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

(i) A record of each customer using a tanning device shall be maintained at the tanning facility at least until the third anniversary of the date of the customer's last use of a tanning device. The executive commissioner of the Health and Human Services Commission [board] by rule shall prescribe the form and

content of the records. The record shall include:

- (1) the date and time of the customer's use of a tanning device;
- (2) the length of time the tanning device was used;
- (3) any injury or illness resulting from the use of a tanning device;
- (4) any parent or guardian consent required under Subsection (f) or any written informed consent statement required to be signed under Subsection (e) or (g);
- (5) the customer's skin type, as determined by the customer by using the Fitzpatrick scale for classifying a skin type;
- (6) whether the customer has a family history of skin cancer; and
- (7) whether the customer has a past medical history of skin cancer.

SECTION 2. Not later than January 1, 2010:

- (1) the Texas Medical Board shall adopt the advisory statement required under Section 145.008(g), Health and Safety Code, as amended by this Act, and post the advisory statement on the board's Internet website in a form that is easily downloaded and printed by a tanning facility owner or operator; and
- (2) the executive commissioner of the Health and Human Services Commission shall modify as necessary the prescribed form and content for the records required under Section 145.008(i), Health and Safety Code, as amended by this Act.

SECTION 3. (a) Except as provided by Subsection (b), this Act takes effect September 1, 2009.

(b) Section 1 of this Act takes effect January 1, 2010.