

By: Huffman, Garcia

S.B. No. 329

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition on the use of a tanning facility by a
3 minor.

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

5 SECTION 1. Subsections (e), (f), and (i), Section 145.008,
6 Health and Safety Code, are amended to read as follows:

7 (e) Before a customer [~~who is 18 years of age or older~~] uses
8 a tanning facility's tanning device for the first time and each time
9 a person executes or renews a contract to use a tanning facility,
10 the person must provide photo identification and sign a written
11 statement acknowledging that the person has read and understood the
12 required warnings before using the device and agrees to use
13 protective eyewear.

14 (f) To ensure the proper operation of the tanning equipment,
15 a tanning facility may not allow[+]

16 [~~(1)~~] a person younger than 18 [~~16.5~~] years of age to
17 use a tanning device[+, and

18 [~~(2)~~] a person younger than 18 years of age to use a
19 tanning device unless the person's parent or legal guardian, in
20 person at the facility, consents in writing for the person to use
21 the device, which may be revoked at any time].

22 (i) A record of each customer using a tanning device shall
23 be maintained at the tanning facility at least until the third
24 anniversary of the date of the customer's last use of a tanning

1 device. The executive commissioner of the Health and Human
2 Services Commission by rule shall prescribe the form and content of
3 the records. The record shall include:

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

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

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

9 (4) any [~~parent or guardian consent required under~~
10 ~~Subsection (f) or any~~] written informed consent statement required
11 to be signed under Subsection (e) [~~or (g)~~];

12 (5) the customer's skin type, as determined by the
13 customer by using the Fitzpatrick scale for classifying a skin
14 type;

15 (6) whether the customer has a family history of skin
16 cancer; and

17 (7) whether the customer has a past medical history of
18 skin cancer.

19 SECTION 2. Subsection (g), Section 145.008, Health and
20 Safety Code, is repealed.

21 SECTION 3. Notwithstanding Subsection (i), Section
22 145.008, Health and Safety Code, as amended by this Act, a tanning
23 facility must maintain a record of the information required under
24 Subsections (g) and (i), Section 145.008, Health and Safety Code,
25 as that law existed before the effective date of this Act, for a
26 customer younger than 18 years old until the third anniversary of
27 the date of the customer's last use of a tanning device.

1 SECTION 4. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect when the offense was committed, and
5 the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 5. This Act takes effect September 1, 2013.