

By: Huffman

S.B. No. 329

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the use of a tanning facility by a minor.

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

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

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

(f) To ensure the proper operation of the tanning equipment, a tanning facility may not allow~~+~~

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

~~[(2)] a person younger than 18 years of age to use a tanning device unless 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].~~

(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

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. Section 145.008(g), Health and Safety Code, is  
20 repealed.

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