

1-1 By: Huffman S.B. No. 329
 1-2 (In the Senate - Filed February 1, 2013; February 5, 2013,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; March 18, 2013, reported favorably by the following
 1-5 vote: Yeas 6, Nays 1; March 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Deuell	X			
1-9 Huffman	X			
1-10 Nichols		X		
1-11 Schwertner	X			
1-12 Taylor			X	
1-13 Uresti	X			
1-14 West			X	
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to a prohibition on the use of a tanning facility by a
 1-20 minor.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsections (e), (f), and (i), Section 145.008,
 1-23 Health and Safety Code, are amended to read as follows:

1-24 (e) Before a customer [~~who is 18 years of age or older~~] uses
 1-25 a tanning facility's tanning device for the first time and each time
 1-26 a person executes or renews a contract to use a tanning facility,
 1-27 the person must provide photo identification and sign a written
 1-28 statement acknowledging that the person has read and understood the
 1-29 required warnings before using the device and agrees to use
 1-30 protective eyewear.

1-31 (f) To ensure the proper operation of the tanning equipment,
 1-32 a tanning facility may not allow[+]

1-33 [~~(1)~~] a person younger than 18 [~~16.5~~] years of age to
 1-34 use a tanning device[+, and

1-35 [~~(2)~~] a person younger than 18 years of age to use a
 1-36 tanning device unless the person's parent or legal guardian, in
 1-37 person at the facility, consents in writing for the person to use
 1-38 the device, which may be revoked at any time].

1-39 (i) A record of each customer using a tanning device shall
 1-40 be maintained at the tanning facility at least until the third
 1-41 anniversary of the date of the customer's last use of a tanning
 1-42 device. The executive commissioner of the Health and Human
 1-43 Services Commission by rule shall prescribe the form and content of
 1-44 the records. The record shall include:

1-45 (1) the date and time of the customer's use of a
 1-46 tanning device;

1-47 (2) the length of time the tanning device was used;

1-48 (3) any injury or illness resulting from the use of a
 1-49 tanning device;

1-50 (4) any [~~parent or guardian consent required under~~
 1-51 ~~subsection (f) or any~~] written informed consent statement required
 1-52 to be signed under Subsection (e) [~~or (g)~~];

1-53 (5) the customer's skin type, as determined by the
 1-54 customer by using the Fitzpatrick scale for classifying a skin
 1-55 type;

1-56 (6) whether the customer has a family history of skin
 1-57 cancer; and

1-58 (7) whether the customer has a past medical history of
 1-59 skin cancer.

1-60 SECTION 2. Subsection (g), Section 145.008, Health and
 1-61 Safety Code, is repealed.

2-1 SECTION 3. Notwithstanding Subsection (i), Section
2-2 145.008, Health and Safety Code, as amended by this Act, a tanning
2-3 facility must maintain a record of the information required under
2-4 Subsections (g) and (i), Section 145.008, Health and Safety Code,
2-5 as that law existed before the effective date of this Act, for a
2-6 customer younger than 18 years old until the third anniversary of
2-7 the date of the customer's last use of a tanning device.

2-8 SECTION 4. The change in law made by this Act applies only
2-9 to an offense committed on or after the effective date of this Act.
2-10 An offense committed before the effective date of this Act is
2-11 governed by the law in effect when the offense was committed, and
2-12 the former law is continued in effect for that purpose. For
2-13 purposes of this section, an offense was committed before the
2-14 effective date of this Act if any element of the offense occurred
2-15 before that date.

2-16 SECTION 5. This Act takes effect September 1, 2013.

2-17

* * * * *