

Amendment No. 301

Senate Amendment to Senate Bill No. 291

(BDR 52-957)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

JMM/MSN



Date: 4/17/2011

S.B. No. 291—Revises provisions governing operators of tanning establishments.
(BDR 52-957)



SENATE BILL NO. 291—SENATOR COPENING

MARCH 21, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing operators of tanning establishments.
(BDR 52-957)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tanning establishments; prohibiting an operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment without ***first identifying and*** obtaining the written consent of the parent or guardian of the person; authorizing a parent or guardian to bring an action against an owner or operator of a tanning establishment who fails to ***identify the parent or guardian and*** obtain ~~such~~ ***his or her*** written consent; ***providing that an owner or operator of a tanning establishment is not liable in such an action if the owner or operator complies with certain procedural requirements in good faith;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill prohibits an operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment unless the operator first ***identifies and*** obtains the written consent of the parent or guardian of the person. **Section 6** of this bill authorizes a parent or guardian to bring an action against an operator who allows a child of the parent or guardian to use the tanning equipment of the establishment and who does not first ***identify and*** obtain the written consent of the parent or guardian. ***Section 6 provides that the owner or operator of a tanning establishment is not liable in such an action if the owner or operator identified and obtained the written consent of the parent or guardian in good faith and pursuant to the procedural requirements set forth in section 5.***

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 597 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 6, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 and 4 of this act*
5 *have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Tanning equipment” means any device that emits ultraviolet*
7 *radiation to tan human skin, including, without limitation, sunlamps, tanning*
8 *booths and tanning beds.*

9 **Sec. 4.** *“Tanning establishment” means any premises, mobile unit,*
10 *building or part of a building where access to tanning equipment is provided for a*
11 *fee, membership dues or any other compensation.*

12 **Sec. 5.** 1. An operator of a tanning establishment shall not allow a person
13 who is less than 18 years of age to use tanning equipment unless ~~the~~ :

14 (a) A parent or guardian of the person physically appears at the tanning
15 establishment and produces a driver's license or other government-issued
16 identification as evidence of his or her identity; and

17 (b) The operator of the tanning establishment ~~first~~ obtains the written
18 consent of ~~the~~ the parent or guardian of the person ~~it~~, which must include a
19 statement that he or she is a parent or guardian of the person and which
20 expressly authorizes the person to use the tanning equipment of the tanning
21 establishment.

22 2. The written consent of a parent or guardian obtained by an operator of a
23 tanning establishment pursuant to subsection 1 expires 1 year after the date on
24 which it is obtained and may be renewed by the parent or guardian.

25 3. A person qualified to operate the tanning equipment of the tanning
26 establishment must be present at the tanning establishment at all times while a
27 person who is less than 18 years of age is using the tanning equipment.

28 4. The operator of a tanning establishment shall maintain a copy of any
29 written consent obtained from a parent or guardian of a person who is less than
30 18 years of age pursuant to this section for a period of not less than 1 year after
31 the most recent use of the tanning equipment by the person.

32 **Sec. 6.** 1. A parent or guardian of a person who is less than 18 years of
33 age may bring an action against an owner or operator of a tanning establishment
34 who does not identify and obtain written consent from a parent or guardian of the
35 person in the manner prescribed by subsection 1 of section 5 of this act.

36 2. ~~But~~ Except as otherwise provided in subsection 4, in an action brought
37 pursuant to this section, if a parent or guardian of a person who is less than 18
38 years of age establishes that an owner or operator of a tanning establishment did
39 not identify and obtain written consent from a parent or guardian of the person
40 in the manner prescribed by subsection 1 of section 5 of this act, a court shall
41 award the parent or guardian, in addition to costs and attorney's fees:

42 (a) For the first occurrence, \$2,000.

43 (b) For the second or a subsequent occurrence, \$4,000.

44 3. Each instance in which an owner or operator allows a person who is less
45 than 18 years of age to use the tanning equipment of the tanning establishment
46 without identifying and obtaining the consent of a parent or guardian of the
47 person in the manner prescribed by subsection 1 of section 5 of this act
48 constitutes a separate occurrence.

4. The owner or operator of a tanning establishment who, in good faith, complies with the requirements of subsection 1 of section 5 of this act is not liable in an action brought pursuant to this section.

Sec. 7. This act becomes effective on July 1, 2011.