

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.

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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 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 obtain such written consent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 5** of this bill prohibits an operator of a tanning establishment from
2 allowing a person who is less than 18 years of age to use the tanning equipment of
3 the establishment unless the operator first obtains the written consent of the parent
4 or guardian of the person. **Section 6** of this bill authorizes a parent or guardian to
5 bring an action against an operator who allows a child of the parent or guardian to
6 use the tanning equipment of the establishment and who does not first obtain the
7 written consent of the parent or guardian.

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
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

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



* S B 2 9 1 *

sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Tanning equipment" means any device that emits ultraviolet radiation to tan human skin, including, without limitation, sunlamps, tanning booths and tanning beds.

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

Sec. 5. 1. An operator of a tanning establishment shall not allow a person who is less than 18 years of age to use tanning equipment unless the operator of the tanning establishment first obtains the written consent of a parent or guardian of the person.

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

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

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

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

2. In an action brought pursuant to this section, if a parent or guardian of a person who is less than 18 years of age establishes that an owner or operator of a tanning establishment did not obtain written consent from a parent or guardian of the person in the manner prescribed by subsection 1 of section 5 of this act, a court shall award the parent or guardian, in addition to costs and attorney's fees:

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

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

3. Each instance in which an owner or operator allows a person who is less than 18 years of age to use the tanning equipment of the tanning establishment without obtaining the consent of a parent or guardian of the person in the manner



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- 1 *prescribed by subsection 1 of section 5 of this act constitutes a*
- 2 *separate occurrence.*
- 3 **Sec. 7.** This act becomes effective on July 1, 2011.

