

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 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 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:

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 identifies and obtains the written consent
4 of the parent or guardian of the person. **Section 6** of this bill authorizes a parent or
5 guardian to bring an action against an operator who allows a child of the parent or
6 guardian to use the tanning equipment of the establishment and who does not first
7 identify and obtain the written consent of the parent or guardian. **Section 6** provides
8 that the owner or operator of a tanning establishment is not liable in such an action
9 if the owner or operator identified and obtained the written consent of the parent or
10 guardian in good faith and pursuant to the procedural requirements set forth in
11 **section 5**.



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

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

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

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

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

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 identify and obtain*



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1 *written consent from a parent or guardian of the person in the*
2 *manner prescribed by subsection 1 of section 5 of this act.*

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

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

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

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

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

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

