

## Amendment No. 487

Senate Amendment to Senate Bill No. 267

(BDR 52-958)

**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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

VMS/DY



Date: 4/18/2013

S.B. No. 267—Establishes provisions governing tanning establishments.  
(BDR 52-958)



SENATE BILL NO. 267—SENATORS WOODHOUSE,  
SPEARMAN, PARKS; FORD AND SEGERBLOM

MARCH 15, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Establishes provisions governing tanning establishments.  
(BDR 52-958)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 owner or 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;~~ requiring an owner or operator of a tanning establishment to post certain warning signs concerning the use of tanning equipment; authorizing certain persons to bring an action against an owner or operator of a tanning establishment under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 8** of this bill prohibits an owner or 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 owner or operator first identifies and obtains the written consent of the parent or guardian of the person.~~

**Section 9** of this bill requires an owner or operator of a tanning establishment to post a notice in a conspicuous place informing customers ~~of certain requirements set forth in section 8.~~ **(1) that a person who is less than 18 years of age is prohibited from using the tanning equipment; (2) that the owner or operator of the tanning establishment may be subject to civil action for certain violations; (3) that any person may report violations to any law enforcement agency; and (4) of certain health risks associated with the use of tanning equipment.** **Section 10** of this bill requires an owner or operator of a tanning establishment to post in a conspicuous place in each area where tanning equipment is used a warning sign informing users of certain safety procedures that must be followed while using the tanning equipment. **Section 10 also establishes certain civil penalties for failure to post such warning signs.** **Section 11** of this bill requires an owner or operator of a tanning establishment to ensure that a qualified person be present at the tanning establishment during operating hours and that each user be aware of and use certain safety equipment. **Section 11** prohibits a person from using the tanning equipment of a tanning establishment unless he or she signs a statement of acknowledgment and uses protective eyewear while using the tanning equipment. **Section 13** of this bill exempts from the provisions of this ~~act~~ **bill** any physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician.

**Section 12** of this bill authorizes a parent or guardian to bring an action against an owner or operator of a tanning establishment 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 12 also provides that an owner or operator of a tanning establishment is not liable in such an action if he or she obtained the written consent of the parent or guardian in good faith and pursuant to the procedural requirements set forth in section 8.~~

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 13, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Operator” means a person who is designated by the owner of a tanning establishment or by the lessee of the tanning equipment of the tanning establishment to operate or to assist and instruct in the operation and use of the tanning establishment or tanning equipment.*

**Sec. 4.** *“Owner” means the owner of a tanning establishment.*

**Sec. 5.** *“Phototherapy device” means any equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.*

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

**Sec. 7.** *“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. 8.** ~~1.1~~ *An owner or operator shall not allow a person who is less than 18 years of age to use the tanning equipment of ~~the~~ a tanning establishment, ~~unless:~~*

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

~~(b) The owner or operator 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 the owner or operator pursuant to subsection 1 expires 1 year after the date on which it is obtained and may be renewed or revoked by the parent or guardian.~~

~~3. The owner or operator 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. 9.** *An owner or operator shall post in a conspicuous place in the tanning establishment a notice that states substantially the following:*

*1. It is unlawful for the owner or operator of a tanning establishment to allow a person who is less than 18 years of age to use any tanning equipment, ~~without first obtaining the written consent of the parent or guardian of the person.~~*

2. An owner or operator of a tanning establishment who violates any provision of sections 2 to 13, inclusive, of this act may be subject to civil action.

3. Any person may report a violation of sections 2 to 13, inclusive, of this act to any law enforcement agency.

4. Health risks associated with tanning include, without limitation, skin cancer, premature aging of the skin and burns to the skin.

Sec. 10. 1. An owner or operator shall post in a conspicuous place in each area where tanning equipment is used a warning sign that states substantially the following:

~~++~~ (a) Follow instructions.

~~++~~ (b) Avoid too frequent or too lengthy exposure. Like exposure to the sun, use of tanning equipment can cause eye and skin injury and allergic reactions. Repeated exposure can cause chronic sun damage, which is characterized by wrinkling, dryness, fragility and bruising of the skin and skin cancer.

~~++~~ (c) Wear protective eyewear. Failure to do so may result in severe burns or long-term injury to the eyes.

~~++~~ (d) Medications and cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using tanning equipment if you are using medications, have a history of skin problems or believe that you are especially sensitive to sunlight.

~~++~~ (e) If your skin does not tan when exposed to the sun, it is unlikely that your skin will tan when exposed to this tanning equipment.

2. An owner or operator who fails to post a warning sign in accordance with subsection 1 shall:

(a) For the first violation, pay a civil penalty of \$250.

(b) For the second violation, pay a civil penalty of \$500.

(c) For the third or subsequent violation, pay a civil penalty of \$1,000.

Sec. 11. An owner or operator shall ensure that:

1. A person who is qualified to operate the tanning equipment and who is able to inform users about, and assist such users in, the proper use of tanning equipment is present at the tanning establishment during operating hours.

2. Tanning equipment is properly sanitized after each use.

3. Each user, before he or she begins to use tanning equipment, is provided with properly sanitized and securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance.

4. Users wear the protective eyewear described in subsection 3 when using tanning equipment.

5. Each user is shown how to maintain the proper exposure distance from the tanning equipment as recommended by the manufacturer.

6. A timing device which is accurate within 10 percent of any selected time interval is used and is remotely located so a user cannot set his or her own exposure time when using tanning equipment.

7. Tanning equipment is equipped with a mechanism that allows the user to turn off the tanning equipment.

8. Each user is limited to the maximum exposure time recommended by the manufacturer for his or her skin type.

9. A user is not allowed to use the tanning equipment more than once in any 24-hour period.

10. The interior temperature of the tanning ~~establishment~~ equipment does not exceed 100 degrees Fahrenheit.

11. Acknowledgments signed by each user ~~for, if the user is less than 18 years of age, by his or her parent or guardian,~~ indicating that he or she

1 understands the notices and warnings prescribed by sections 9 and 10 ~~of this~~  
2 act, and that he or she agrees to use protective eyewear, are retained for at least  
3 ~~12 years~~ 1 year or until the user signs a new acknowledgment.

4 Sec. 12. 1. A parent or guardian of a person who is less than 18 years of  
5 age may bring an action against an owner or operator if the owner or operator  
6 ~~does not identify and obtain written consent from the parent or guardian in the~~  
7 ~~manner prescribed by subsection 1 of~~ violates section 8 of this act.

8 2. ~~Except as otherwise provided in subsection 4, in~~ In any action brought  
9 pursuant to this section, if a parent or guardian of a person who is less than 18  
10 years of age establishes that the owner or operator ~~did not identify and obtain~~  
11 ~~written consent from the parent or guardian in the manner prescribed by~~  
12 ~~subsection 1 of~~ violated section 8 of this act, a court shall award the parent or  
13 guardian, in addition to costs and reasonable attorney's fees:

14 (a) For the first occurrence, ~~(\$2,000.)~~ \$500.

15 (b) For the second ~~for a subsequent~~ occurrence, ~~(\$4,000.)~~ \$1,000.

16 (c) For the third or subsequent occurrence, \$1,500.

17 3. Each instance in which an owner or operator allows a person who is less  
18 than 18 years of age to use the tanning equipment of the tanning establishment  
19 ~~without identifying and obtaining the consent of a parent or guardian of the~~  
20 ~~person in the manner prescribed by subsection 1 of~~ in violation of section 8 of this  
21 act constitutes a separate occurrence.

22 ~~4. An owner or operator who, in good faith, complies with the requirements~~  
23 ~~of section 8 of this act is not liable in any action brought pursuant to this~~  
24 ~~section.~~

25 Sec. 13. The provisions of sections 2 to 13, inclusive, of this act do not  
26 apply to any physician licensed to practice medicine in this State who uses, or  
27 prescribes the use of, a phototherapy device, or to any person who is prescribed  
28 the use of a phototherapy device by a physician licensed to practice medicine in  
29 this State.

30 Sec. 14. This act becomes effective on July 1, 2013.