

Chapter 626

AN ACT

relating to the use of a tanning facility device by a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 145.008(f), (g), and (i), Health and Safety Code, are amended to read as follows:

(f) To ensure the proper operation of the tanning equipment, a tanning facility may not allow:

(1) a person younger than 16.5 [13] years of age to use a tanning device; and

(2) a person younger than 18 years of age to use a tanning device unless

~~[(1) the facility receives written permission from the person's physician allowing the person to use the device; and~~

[(2)] the person's parent or legal guardian, in person at the facility, consents in writing for the person to use the device, which may be revoked at any time ~~[remains at the tanning facility while the person uses the device].~~

(g) Before any person younger than 18 ~~[16 or 17]~~ years of age uses a tanning facility device for the first time, the person must give the operator a written informed consent statement signed and dated by the person and the person's parent or legal guardian stating that the person and the parent or legal guardian:

(1) have ~~[has]~~ read and understood the advisory statement issued by the Texas Medical Board, warning of the dangers

1 of indoor and outdoor tanning and its association with skin cancer,
2 eye damage, and other health risks, provided [~~warnings given~~] by
3 the tanning facility; [~~consents to the minor's use of a tanning~~
4 ~~device,~~] and

5 (2) agree [~~agrees~~] that the minor will use protective
6 eyewear at all times while using the tanning device. [~~In addition, a~~
7 ~~person 13, 14, or 15 years of age must be accompanied by a parent or~~
8 ~~legal guardian who must remain at the tanning facility while the~~
9 ~~person uses the tanning device.~~]

10 (i) A record of each customer using a tanning device shall
11 be maintained at the tanning facility at least until the third
12 anniversary of the date of the customer's last use of a tanning
13 device. The executive commissioner of the Health and Human
14 Services Commission [~~board~~] by rule shall prescribe the form and
15 content of the records. The record shall include:

16 (1) the date and time of the customer's use of a
17 tanning device;

18 (2) the length of time the tanning device was used;

19 (3) any injury or illness resulting from the use of a
20 tanning device;

21 (4) any parent or guardian consent required under
22 Subsection (f) or any written informed consent statement required
23 to be signed under Subsection (e) or (g);

24 (5) the customer's skin type, as determined by the
25 customer by using the Fitzpatrick scale for classifying a skin
26 type;

27 (6) whether the customer has a family history of skin

1 cancer; and

2 (7) whether the customer has a past medical history of
3 skin cancer.

4 SECTION 2. Not later than January 1, 2010:

5 (1) the Texas Medical Board shall adopt the advisory
6 statement required under Section 145.008(g), Health and Safety
7 Code, as amended by this Act, and post the advisory statement on the
8 board's Internet website in a form that is easily downloaded and
9 printed by a tanning facility owner or operator; and

10 (2) the executive commissioner of the Health and Human
11 Services Commission shall modify as necessary the prescribed form
12 and content for the records required under Section 145.008(i),
13 Health and Safety Code, as amended by this Act.

14 SECTION 3. (a) Except as provided by Subsection (b), this
15 Act takes effect September 1, 2009.

16 (b) Section 1 of this Act takes effect January 1, 2010.

David Dewhurst

President of the Senate

Jon Stroman

Speaker of the House

I certify that H.B. No. 1310 was passed by the House on April 22, 2009, by the following vote: Yeas 127, Nays 19, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1310 was passed by the Senate on May 27, 2009, by the following vote: Yeas 29, Nays 1.

Latsy Gau

Secretary of the Senate

APPROVED: 19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 O'CLOCK

JUN 19 2009

Coly Hunter III