

26:2D-89 et. al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 39

NJSA: 26:2D-89 et. al. (Prohibits minors under 14 years of age from using spray tanning in tanning facilities and prohibits minors under 17 years of age from using tanning beds)

BILL NO: A2142 (Substituted for S1172)

SPONSOR(S) Caputo and others

DATE INTRODUCED: January 30, 2012

COMMITTEE: ASSEMBLY: Women and Children

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: February 14, 2013

SENATE: February 7, 2013

DATE OF APPROVAL: April 1, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint Corrected Copy enacted)

A2142

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: No

S1172

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Nutley 'tanning mom' case inspires new law," northjersey.com, April 2, 2013

"Christie signs law banning use of f tanning bed by minors," The Press of Atlantic City, April 2, 2013

"Christie bans use of tanning beds by those under 17," The Record, April 2, 2013

"New bills sets limit on indoor tanning, Ban extends to teens under the age of 17", Star-Ledger, April 2, 2013

LAW/KR

P.L.2013, CHAPTER 39, *approved April 1, 2013*
Assembly, No. 2142 (*Second Reprint*)
(CORRECTED COPY)

1 AN ACT prohibiting the use of indoor tanning beds by minors and
2 amending P.L.2006, c.48 and P.L.1989, c.234 ¹and supplementing
3 chapter 2D of Title 26 of the Revised Statutes¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.2006, c.48 (C.26:2D-82.1) is amended to
9 read as follows:

10 1. a. A tanning facility operator shall not permit a person who is
11 under ²~~[14]~~ ¹⁷ years of age to use a tanning facility ¹~~[or a person~~
12 under 18 years of age to use a tanning bed in a tanning facility] ²,
13 except as provided in paragraph (1) of subsection b. of this
14 section².¹

15 b. ¹~~(1)~~¹ A tanning facility operator shall ~~[not]~~ permit a person
16 who is at least 14 ²~~[but less than 18]~~² years of age to use spray
17 tanning in a tanning facility ~~[without]~~ ¹~~[with the~~ written
18 authorization of the person's parent or legal guardian indicating that
19 ~~[such]~~ the parent or guardian [has read and understood the safety
20 standards and warnings required pursuant to section 3 of P.L.1989,
21 c.234 (C.26:2D-83)] consents to the use of spray tanning on the
22 person]¹.

23 ¹~~(2)~~ A tanning facility operator shall not permit a person who is
24 under ²~~[16]~~ ¹⁷ years of age to use a tanning bed. A tanning
25 facility operator shall permit a person who is at least ²~~[16 but less~~
26 than 18] ¹⁷ years of age to use a tanning bed, provided that the
27 person's parent or guardian is present at the tanning facility for the
28 initial consultation ²~~[, purchases all tanning bed sessions or a~~
29 package of sessions, as applicable, and provides photo identification
30 to demonstrate proof of identity to the tanning facility operator. A
31 tanning facility operator shall prohibit a person who is at least 16
32 but less than 18 years of age from using a tanning bed on
33 consecutive days, and shall monitor the frequency of the person's
34 tanning bed use by recording all appointments, including equipment
35 used and length of tanning time, in the person's client file. The
36 tanning facility operator shall retain a copy of the photo
37 identification of the person's parent or guardian presented to the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted June 18, 2012.

²Senate floor amendments adopted October 25, 2012.

1 tanning facility operator pursuant to this paragraph in the person's
2 client file for three years]² .¹

3 ¹(3)¹ An emancipated minor shall be exempt from the
4 ¹[authorization requirement] provisions¹ of this subsection upon
5 legal proof documenting said emancipation.

6 c. ¹[The Commissioner of Health and Senior Services shall
7 establish by regulation:

8 (1) the contents required in the authorization form;

9 (2) the method for maintaining a record of the forms; and

10 (3) the frequency with which the forms shall be authorized or
11 reauthorized.] (Deleted by amendment, P.L. , c.) (pending before
12 the Legislature as this bill).¹

13 d. The penalties for violating the provisions of this section
14 shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).
15 (cf: P.L.2006, c.48, s.1)

16

17 2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to read
18 as follows:

19 3. The Commissioner of Health and Senior Services, in
20 consultation with the Commissioner of Environmental Protection,
21 shall, by regulation, establish minimum safety standards for tanning
22 facilities. The standards shall include, but not be limited to:

23 a. Establishment of a maximum safe time of exposure to
24 radiation and a maximum safe temperature at which tanning devices
25 may be operated;

26 b. A requirement that a patron at a tanning facility wear
27 protective eye glasses when using tanning equipment and that a
28 patron be supervised as to the length of time the patron uses tanning
29 equipment at the facility;

30 c. A requirement that the facility operator post easily legible,
31 permanent warning signs near the tanning equipment which state:
32 "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL
33 INSTRUCTIONS";

34 d. A requirement that the facility have protective shielding for
35 tanning equipment in the facility; and

36 e. A requirement that the facility operator post a sign in
37 conspicuous view at or near the reception area which states:
38 "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO
39 USE ²SPRAY TANNING IN² THIS TANNING FACILITY.

40 ¹PERSONS UNDER AGE 18 SHALL NOT BE PERMITTED TO
41 USE A TANNING BED IN THIS FACILITY.]¹ PERSONS

42 ²BETWEEN ¹[14] 16¹ AND 18] WHO ARE AT LEAST 17²
43 YEARS OF AGE SHALL ¹[NOT]¹ BE PERMITTED TO USE

44 ¹[SPRAY] A¹ TANNING ¹BED¹ IN THIS ¹[TANNING]
45 FACILITY ¹[WITHOUT WRITTEN AUTHORIZATION OF]
46 PROVIDED THAT¹ A PARENT OR LEGAL GUARDIAN ¹IS

1 PRESENT FOR THE INITIAL CONSULTATION ²],
 2 PURCHASES THE TANNING BED SESSION OR PACKAGE OF
 3 SESSIONS, AND PROVIDES PHOTO IDENTIFICATION.
 4 PERSONS BETWEEN 16 AND 18 YEARS OF AGE SHALL NOT
 5 BE PERMITTED TO USE A TANNING BED ON
 6 CONSECUTIVE DAYS]² .¹”

7 (cf: P.L.2006, c.48, s.2)

8
 9 ¹3. Section 7 of P.L.1989, c.234 (C.26:2D-87) is amended to
 10 read as follows:

11 7. A person who violates the provisions of **[this act]** P.L.1989,
 12 c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.)
 13 is subject to a penalty of \$100 for the first offense and \$200 for
 14 each subsequent offense , except that a tanning facility operator
 15 who violates the provisions of section 1 of P.L.2006, c.48
 16 (C.26:2D-82.1) concerning a minor’s use of the tanning facility is
 17 subject to a penalty of \$1,000 for the first offense, \$2,000 for the
 18 second offense, and \$2,000 and a five-day suspension of the
 19 facility’s registration and operation for a third and subsequent
 20 offense. The penalty shall be sued for and collected in a court of
 21 competent jurisdiction in a summary proceeding in accordance with
 22 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
 23 10 et seq.).

24 A penalty recovered under the provisions of **[this act]** P.L.1989,
 25 c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.)
 26 shall be recovered by and in the name of the Commissioner of
 27 Health and Senior Services or by and in the name of the local board
 28 of health. When the plaintiff is the Commissioner of Health and
 29 Senior Services the penalty recovered shall be paid by the
 30 commissioner into the treasury of the State. When the plaintiff is a
 31 local board of health, the penalty recovered shall be paid by the
 32 local board of health into the treasury of the municipality where the
 33 violation occurred.¹

34 (cf: P.L.2006, c.48, s.5)

35
 36 ¹4. (New section) The Commissioner of Health and Senior
 37 Services shall report to the Governor, and to the Legislature
 38 pursuant to section 2 of P.L.1991, 164 (C.52:14-19.1), no later than
 39 two years after the effective date of P.L. , c. (pending before the
 40 Legislature as this bill), on the number and details of violations of
 41 P.L.1989, c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-
 42 82.1 et al.) is found at tanning salons.¹

43
 44 ¹**[3.]** ¹5. ¹This act shall take effect on the first day of the ¹**[third]**
 45 sixth¹ month after enactment.

A2142 [2R] (CC)

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5

Prohibits minors under 14 years of age from using spray tanning in tanning facilities and prohibits minors under 17 years of age from using tanning beds.

ASSEMBLY, No. 2142

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblywoman Wagner, Assemblymen Eustace, P.Barnes, III,

Assemblywoman Schepisi, Assemblyman Schaer, Assemblywoman

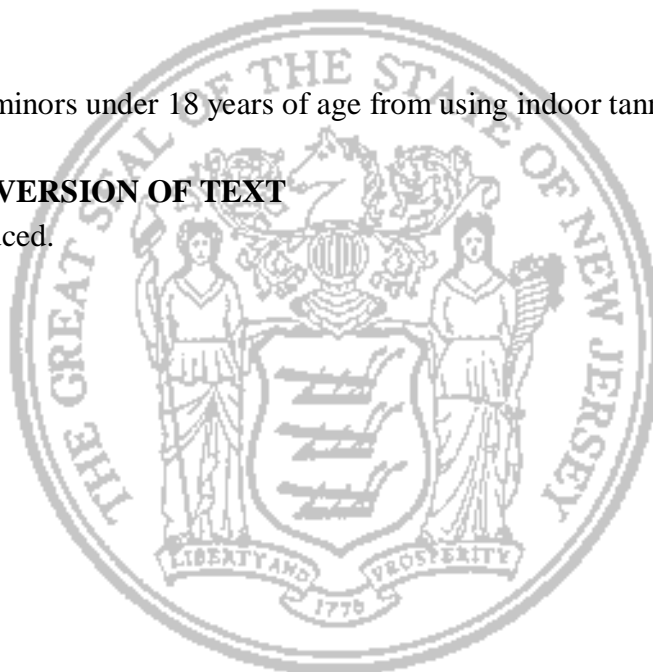
Stender, Assemblyman Giblin and Assemblywoman Jimenez

SYNOPSIS

Prohibits minors under 18 years of age from using indoor tanning beds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/22/2012)

1 AN ACT prohibiting the use of indoor tanning beds by minors and
2 amending P.L.2006, c.48 and P.L.1989, c.234.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2006, c.48 (C.26:2D-82.1) is amended to
8 read as follows:

9 1. a. A tanning facility operator shall not permit a person who
10 is under 14 years of age to use a tanning facility or a person under
11 18 years of age to use a tanning bed in a tanning facility.

12 b. A tanning facility operator shall **[not]** permit a person who
13 is at least 14 but less than 18 years of age to use spray tanning in a
14 tanning facility **[without]** with the written authorization of the
15 person's parent or legal guardian indicating that **[such]** the parent
16 or guardian **[has read and understood the safety standards and**
17 warnings required pursuant to section 3 of P.L.1989, c.234
18 (C.26:2D-83)] consents to the use of spray tanning on the person.
19 An emancipated minor shall be exempt from the authorization
20 requirement of this subsection upon legal proof documenting said
21 emancipation.

22 c. The Commissioner of Health and Senior Services shall
23 establish by regulation:

24 (1) the contents required in the authorization form;

25 (2) the method for maintaining a record of the forms; and

26 (3) the frequency with which the forms shall be authorized or
27 reauthorized.

28 d. The penalties for violating the provisions of this section
29 shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).
30 (cf: P.L.2006, c.48, s.1)

31

32 2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to
33 read as follows:

34 3. The Commissioner of Health and Senior Services, in
35 consultation with the Commissioner of Environmental Protection,
36 shall, by regulation, establish minimum safety standards for tanning
37 facilities. The standards shall include, but not be limited to:

38 a. Establishment of a maximum safe time of exposure to
39 radiation and a maximum safe temperature at which tanning devices
40 may be operated;

41 b. A requirement that a patron at a tanning facility wear
42 protective eye glasses when using tanning equipment and that a
43 patron be supervised as to the length of time the patron uses tanning
44 equipment at the facility;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 c. A requirement that the facility operator post easily legible,
2 permanent warning signs near the tanning equipment which state:
3 "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL
4 INSTRUCTIONS";

5 d. A requirement that the facility have protective shielding for
6 tanning equipment in the facility; and

7 e. A requirement that the facility operator post a sign in
8 conspicuous view at or near the reception area which states:
9 "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO
10 USE THIS TANNING FACILITY. PERSONS UNDER AGE 18
11 SHALL NOT BE PERMITTED TO USE A TANNING BED IN
12 THIS FACILITY. PERSONS BETWEEN 14 AND 18 YEARS OF
13 AGE SHALL NOT BE PERMITTED TO USE SPRAY TANNING
14 IN THIS TANNING FACILITY WITHOUT WRITTEN
15 AUTHORIZATION OF A PARENT OR LEGAL GUARDIAN."

16 (cf: P.L.2006, c.48, s.2)

17

18 3. This act shall take effect on the first day of the third month
19 after enactment.

20

21

22

STATEMENT

23

24 This bill revises the law governing the use of tanning facilities
25 by minors.

26 Under current law, a person under 14 years of age is prohibited
27 from using a tanning facility, but a person who is at least 14 but less
28 than 18 years of age may use a tanning facility with the written
29 authorization of the person's parent or legal guardian indicating that
30 the parent or guardian has read and understood the safety standards
31 and warnings required pursuant to section 3 of P.L.1989, c.234
32 (C.26:2D-83).

33 This bill provides specifically as follows:

34 • A tanning facility operator is to prohibit a person who is under 14
35 years of age from using a tanning facility and a person under 18
36 years of age from using a tanning bed in a tanning facility.

37 • A tanning facility operator is to permit a person who is at least 14
38 but less than 18 years of age to use spray tanning in a tanning
39 facility with the written authorization of the person's parent or
40 legal guardian indicating that the parent or guardian consents to
41 the use of spray tanning on the person. (An emancipated minor is
42 exempt from this authorization requirement upon legal proof
43 documenting emancipation.)

44 • A tanning facility operator is required to post a sign in
45 conspicuous view at or near the reception area which advises
46 patrons of the provisions of this bill.

47 • The bill takes effect on the first day of the third month after
48 enactment.

1 The provisions of this bill are intended to address the growing
2 concern about the risk to youths who are exposed to ultraviolet
3 (UV) radiation from the use of indoor tanning beds.

4 It should be noted that:

5 -- The incidence of melanoma has been steadily rising for the
6 past 30 years, and it is believed that this increase is due to increased
7 exposure to UV radiation as a consequence of individual behavior
8 with regard to UV exposure from the sun and the use of indoor
9 tanning beds;

10 -- UV exposure is also associated with premature aging of the
11 skin, suppression of the immune system, and eye damage;

12 -- In 2009, the International Agency for Research on Cancer
13 raised the classification of UV-emitting indoor tanning devices to
14 the highest level of cancer risk; and

15 -- The link between UV exposure from indoor tanning devices
16 and melanoma is consistent with what is already known about the
17 association between solar UV exposure and skin cancer.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2142

STATE OF NEW JERSEY

DATED: MAY 14, 2012

The Assembly Women and Children Committee reports favorably on Assembly Bill No. 2142.

This bill revises the law governing the use of tanning facilities by minors.

Specifically, the bill provides that a tanning facility operator is: to prohibit a person who is under 14 years of age from using a tanning facility and a person under 18 years of age from using a tanning bed in a tanning facility; to permit a person who is at least 14 but less than 18 years of age to use spray tanning in a tanning facility with the written authorization of the person's parent or legal guardian indicating that the parent or guardian consents to the use of spray tanning on the person, except that an emancipated minor is exempt from this requirement upon legal proof documenting emancipation; and required to post a sign in conspicuous view at or near the reception area which advises patrons of the bill's provisions.

Under current law, a person under 14 years of age is prohibited from using a tanning facility, but a person who is at least 14 but less than 18 years of age may use a tanning facility with the written authorization of the person's parent or legal guardian indicating that the parent or guardian has read and understood the safety standards and warnings required pursuant to N.J.S.A.26:2D-83.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2142

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 2142.

As amended, this bill would permit a tanning facility operator to allow minors who are at least 14 years of age to use a tanning facility for spray tanning, and would permit a tanning facility operator to allow minors between 16 and 18 years of age to use tanning beds, as long as a parent or guardian provides photo identification and is present for initial consultation and purchases all tanning bed sessions or packages of sessions. Minors between 16 and 18 years of age would be prohibited from using a tanning bed on consecutive days. Tanning facility operators would be required to monitor the frequency of a minor's tanning bed use by recording all appointments, including equipment used and length of tanning time, in a minor's client file. These provisions would be required to be posted in conspicuous view near the reception area.

Penalties for violating the provisions of the bill as they relate to minors' use of tanning facilities would be \$1,000 for the first offense and \$2,000 for the second offense, and \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. Penalties for other violations of the law governing tanning facilities generally would remain the same (\$100 for the first offense and \$200 for each subsequent offense).

The bill also requires that the Commissioner of Health and Senior Services report to the Governor and the Legislature on the number and nature of any violations found at tanning salons no later than two years after the effective date of the bill.

As reported, the committee amendments lower the age of minors who may use tanning beds from 18 to 16 years of age, require that a parent or guardian be present for the initial consultation and purchase all tanning bed sessions or packages of sessions, and provide photo identification. In addition, the amendments also prohibit the minor's tanning bed use on consecutive days, eliminate the requirement that a parent provide written consent for a minor to be spray tanned, revise

the signage requirements to reflect the amendments, increase the penalty provisions for violations relating to minors' use of tanning facilities from \$100 to \$1,000 for the first offense and from \$200 to \$2,000 for the second offense, and add a penalty of \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. The amendments require that the Commissioner of Health and Senior Services report to the Governor and the Legislature, no later than two years after the effective date of the bill, on the number and details of violations found at tanning salons. Finally, the amendments change the effective date from three to six months after the date of enactment.

As amended, this bill is identical to Senate Bill No. 1172 SCA (Weinberg/Singer), which the committee also reported on this date.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2142

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: OCTOBER 25, 2012

These amendments permit a minor who is at least 17 years of age to use a tanning bed in a tanning facility, provided that the minor's parent or guardian is present at the tanning facility for the initial consultation.

SENATE, No. 1172

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JANUARY 23, 2012

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Prohibits minors under 18 years of age from using indoor tanning beds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/31/2012)

1 AN ACT prohibiting the use of indoor tanning beds by minors and
2 amending P.L.2006, c.48 and P.L.1989, c.234.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2006, c.48 (C.26:2D-82.1) is amended to
8 read as follows:

9 1. a. A tanning facility operator shall not permit a person who
10 is under 14 years of age to use a tanning facility or a person under
11 18 years of age to use a tanning bed in a tanning facility.

12 b. A tanning facility operator shall **[not]** permit a person who
13 is at least 14 but less than 18 years of age to use spray tanning in a
14 tanning facility **[without]** with the written authorization of the
15 person's parent or legal guardian indicating that **[such]** the parent
16 or guardian **[has read and understood the safety standards and**
17 **warnings required pursuant to section 3 of P.L.1989, c.234**
18 **(C.26:2D-83)]** consents to the use of spray tanning on the person.
19 An emancipated minor shall be exempt from the authorization
20 requirement of this subsection upon legal proof documenting said
21 emancipation.

22 c. The Commissioner of Health and Senior Services shall
23 establish by regulation:

- 24 (1) the contents required in the authorization form;
25 (2) the method for maintaining a record of the forms; and
26 (3) the frequency with which the forms shall be authorized or
27 reauthorized.

28 d. The penalties for violating the provisions of this section
29 shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).
30 (cf: P.L.2006, c.48, s.1)

31

32 2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to
33 read as follows:

34 3. The Commissioner of Health and Senior Services, in
35 consultation with the Commissioner of Environmental Protection,
36 shall, by regulation, establish minimum safety standards for tanning
37 facilities. The standards shall include, but not be limited to:

38 a. Establishment of a maximum safe time of exposure to
39 radiation and a maximum safe temperature at which tanning devices
40 may be operated;

41 b. A requirement that a patron at a tanning facility wear
42 protective eye glasses when using tanning equipment and that a
43 patron be supervised as to the length of time the patron uses tanning
44 equipment at the facility;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. A requirement that the facility operator post easily legible,
2 permanent warning signs near the tanning equipment which state:
3 "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL
4 INSTRUCTIONS";

5 d. A requirement that the facility have protective shielding for
6 tanning equipment in the facility; and

7 e. A requirement that the facility operator post a sign in
8 conspicuous view at or near the reception area which states:
9 "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO
10 USE THIS TANNING FACILITY. PERSONS UNDER AGE 18
11 SHALL NOT BE PERMITTED TO USE A TANNING BED IN
12 THIS FACILITY. PERSONS BETWEEN 14 AND 18 YEARS OF
13 AGE SHALL NOT BE PERMITTED TO USE SPRAY TANNING
14 IN THIS [TANNING] FACILITY WITHOUT WRITTEN
15 AUTHORIZATION OF A PARENT OR LEGAL GUARDIAN."

16 (cf: P.L.2006, c.48, s.2)

17

18 3. This act shall take effect on the first day of the sixth month
19 after enactment.

20

21

22

STATEMENT

23

24 This bill revises the law governing the use of tanning facilities
25 by minors. The bill would make it illegal for a tanning facility
26 operator to permit a minor under 18 years of age to use tanning
27 beds. The bill permits a tanning facility operator to allow a person
28 older than 14 but less than 18 years of age to use spray tanning, but
29 only with the written authorization of a parent or legal guardian
30 indicating consent to the use of spray tanning on the person. A
31 tanning facility would be required to post a sign in conspicuous
32 view near the reception area that describes these prohibitions.

33 Penalties for violating the provisions of the bill would be the
34 same as for other violations of C.26:2D-81 et seq., that is, \$100 for
35 the first offense and \$200 for each subsequent offense.

36 The bill takes effect the first day of the sixth month after
37 enactment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1172

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1172.

As amended, this bill would permit a tanning facility operator to allow minors who are at least 14 years of age to use a tanning facility for spray tanning, and would permit a tanning facility operator to allow minors between 16 and 18 years of age to use tanning beds, as long as a parent or guardian provides photo identification and is present for initial consultation and purchases all tanning bed sessions or packages of sessions. Minors between 16 and 18 years of age would be prohibited from using a tanning bed on consecutive days. Tanning facility operators would be required to monitor the frequency of a minor's tanning bed use by recording all appointments, including equipment used and length of tanning time, in a minor's client file. These provisions would be required to be posted in conspicuous view near the reception area.

Penalties for violating the provisions of the bill as they relate to minors' use of tanning facilities would be \$1,000 for the first offense and \$2,000 for the second offense, and \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. Penalties for other violations of the law governing tanning facilities generally would remain the same (\$100 for the first offense and \$200 for each subsequent offense).

The bill also requires that the Commissioner of Health and Senior Services report to the Governor and the Legislature on the number and nature of any violations found at tanning salons no later than two years after the effective date of the bill.

As reported, the committee amendments lower the age of minors who may use tanning beds from 18 to 16 years of age, require that a parent or guardian be present for the initial consultation and purchase all tanning bed sessions or packages of sessions, and provide photo identification, a copy of which the tanning facility is to retain in the client's file for three years. In addition, the amendments also prohibit

the minor's tanning bed use on consecutive days, eliminate the requirement that a parent provide written consent for a minor to be spray tanned, revise the signage requirements to reflect the amendments, increase the penalty provisions for violations relating to minors' use of tanning facilities from \$100 to \$1,000 for the first offense and from \$200 to \$2,000 for the second offense, and add a penalty of \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. The amendments require that the Commissioner of Health and Senior Services report to the Governor and the Legislature, no later than two years after the effective date of the bill, on the number and details of violations found at tanning salons.

As amended, this bill is identical to Assembly Bill No. 2142 SCA (Caputo/Johnson/Greenwald/Conaway/Lampitt), which the committee also reported on this date.

STATEMENT TO
[First Reprint]
SENATE, No. 1172

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: OCTOBER 25, 2012

These amendments permit a minor who is at least 17 years of age to use a tanning bed in a tanning facility, provided that the minor's parent or guardian is present at the tanning facility for the initial consultation.