26:20-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26: 2D-1

(Tanning facilities--Department of Health to establish standards)

LAWS OF: 1989 **CHAPTER:** 234

Bill No: S1554

Sponsor(s): Pallone

Date Introduced: Pre-filed

Committee: Assembly: Health and Human Resources

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 11, 1989

Senate: August 8, 1988

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Tanning salon bill offers protection against skin cancer" 1-3-90 Trenton Times

[SECOND REPRINT]

SENATE, No. 1554

STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator PALLONE

AN ACT concerning establishments using artificial suntan sources.

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

1. The Legislature finds and declares that:

Tanning facilities are not regulated by the State of New Jersey and the number of tanning facilities is rapidly growing throughout the State; various physical complications can arise from frequent and unsupervised use of these tanning facilities such as, overexposure to ultraviolet radiation which can cause severe sunburn and eye injury including cataracts and corneal damage; repeated exposure to ultraviolet light in tanning facilities can also cause premature aging of the skin, skin cancers and abnormal skin sensitivity in persons who may be using certain drugs including some tranquilizers, diuretics, antibiotics, high blood pressure medicines and birth control pills.

It is, therefore, desirable that citizens are protected against any problems which may result from improperly functioning equipment in tanning facilities, and given the potential for harm that is presented by establishments using artificial suntan sources, it is imperative that effective minimum safety standards in this health area be established.

2. As used in this act: "tanning facility" means any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides patrons with access to sunlamps, ultraviolet lamps or other equipment intended to induce skin tanning through the irradiation of any part of the human body for cosmetic or nonmedical purposes.

3. The [1]**[**Commissioner**]** [2]Department of Environmental Protection, in consultation with the Department[1] Commissioner[2]

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:
1 Senate floor amendments adopted May 16, 1988.
2 Assembly AHH committee amendments adopted March 2, 1989.

of Health[2], in consultation with the Department of Environmental Protection,[2] shall, by regulation, establish minimum safety standards for tanning facilities. The standards shall include, but not be limited to:

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

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

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

d. A requirement that the facility have protective shielding for tanning equipment in the facility.

4. The [1][local board of health in the municipality in which a tanning facility is located] [2][Department of Environmental Protection[1]] local board of health in the municipality in which a tanning facility is located[2] shall certify that a facility is in compliance with the safety standards established pursuant to section 3 of this act and shall periodically inspect the facility to ensure continued compliance with the standards.

[1]5. There is established in the Department of [2][Environmental Protection] Health[2] a nonlapsing revolving fund known as the "Non-Ionizing Radiation Fund." The fund shall be credited with all fees collected pursuant to this act. Interest on monies in the fund shall be credited to the fund, and all monies in the fund are appropriated for the purposes of this act.[1]

[1]6. a. A tanning facility shall register annually with the Department of [2][Environmental Protection] Health[2] on forms provided by the department and shall pay to the department an annual registration fee.

b. The Department of [2][Environmental Protection] Health[2] shall establish a registration fee schedule, by regulation, to cover the costs of implementing the provisions of this act [2], including the costs incurred by local boards of health pursuant to section 4 of this act[2].[1]

[1][5.] 7.[1] A person who violates the provisions of this act is subject to a penalty of [2][$100.00] $100[2] for the first offense and [2][$200.00] $200[2] for each subsequent offense. The penalty shall be sued for and collected in a court of competent jurisdiction in a summary proceeding in accordance with "the penalty enforcement law," N.J.S.2A:58-1 et seq.

A penalty recovered under the provisions of this act shall be recovered by and in the name of the Commissioner of [1][Health or by and in the name of the local board of health] [2][Environmental Protection[1]] Health or by and in the name of the local board of health[2]. When the plaintiff is the Commissioner of [1][Health] [2][Environmental Protection[1]] Health[2] the penalty recovered shall be paid by the commissioner into the treasury of the State. [1][When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board of health into the treasury of the municipality where the violation occurred.][1] [2]When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board of health into the treasury of the municipality where the violation occurred.[2]

[1][6.] 8.[1] In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of [2][1Environmental Protection, in consultation with the Commissioner of[1]][2] Health[2], in consultation with the Department of Environmental Protection,[2] shall promulgate rules and regulations necessary to carry out the purposes of this act.

[1][7.] 9.[1] This act shall take effect on the 90th day after enactment.

HEALTH

Public Safety

Directs the Department of Health to establish standards for tanning facilities.

STATEMENT

This bill directs the Department of Health to establish safety standards for tanning facilities. Currently, there are no health and safety standards for regulation of these tanning facilities in New Jersey.

This bill provides that the State standards shall include, but not be limited to: the establishment of a maximum safe temperature at which tanning devices may be operated; requirements that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that there is supervision of the patron when the patron is using the tanning facility; a requirement that the facility operator post warning signs about potential dangers; and a requirement that the facility have protective shielding for tanning equipment in the facility.

HEALTH
Public Safety

Directs the Department of Health to establish standards for tanning facilities.

ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1554

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with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 1989

The Assembly Health and Human Resources Committee favorably reports Senate Bill No. 1554 (1R) with committee amendments.

As amended by the committee, this bill directs the Commissioner of Health, in consultation with the Department of Environmental Protection, to establish minimum safety standards for tanning facilities. The amended bill defines a "tanning facility" as any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides patrons with access to sunlamps, ultraviolet lamps or other equipment which provides skin tanning through the irradiation of any part of the body for cosmetic or nonmedical purposes.

The amended bill provides that the Department of Health shall establish standards which include: the establishment of a maximum safe temperature at which tanning devices may be operated; requirements that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that there is supervision of the patron when the patron is using the tanning facility; a requirement that the facility operator post warning signs about potential dangers; and a requirement that the facility have protective shielding for tanning equipment in the facility.

The amended bill further provides that local boards of health will be responsible for certifying that tanning facilities in their municipalities are in compliance with the safety standards, and for periodically inspecting the facilities to ensure their continued compliance with the standards. Finally, the amended bill makes violations of these safety standards subject to a penalty of $100 for the first offense and $200 for each subsequent offense.

The committee amended the bill to transfer the responsibility for regulating tanning facilities from the Department of Environmental Protection to the Department of Health. In addition, the committee amendments are intended to ensure that the amount of the annual registration fee to be established by the Department of Health and paid to the department by tanning facilities shall be

sufficient to cover the costs incurred by local boards of health in carrying out their tanning facility certification and inspection responsibilities under this bill.

As reported by the committee, this bill is identical to Assembly Bill No. 4255 Aca (Palaia), which the committee also reported on this date.

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SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 1554

STATE OF NEW JERSEY

DATED: January 21, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill 1554.

This bill directs the Department of Health to establish minimum safety standards for tanning facilities. The bill defines a "tanning facility" as any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides patrons with access to sunlamps, ultraviolet lamps or other equipment which provides skin tanning through the irradiation of any part of the body for cosmetic or nonmedical purposes.

The bill provides that the Department of Health shall establish standards which include: the establishment of a maximum safe temperature at which tanning devices may be operated; requirements that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that there is supervision of the patron when the patron is using the tanning facility; a requirement that the facility operator post warning signs about potential dangers; and a requirement that the facility have protective shielding for tanning equipment in the facility.

The bill requires that local boards of health will be responsible for certifying that tanning facilities in their municipalities are in compliance with the standards and periodically inspecting the facilities to ensure continued compliance. Finally, the bill provides that violations of the standards are subject to a penalty of $100.00 for the first offense and $200.00 for each subsequent offense.

This bill was pre-filed for introduction in the 1988-89 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.