

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0090.01 Christy Chase x2008

HOUSE BILL 20-1340

HOUSE SPONSORSHIP

Caraveo,

SENATE SPONSORSHIP

Todd,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF ARTIFICIAL TANNING DEVICES, AND,**
102 **IN CONNECTION THEREWITH, REQUIRING FIRST-TIME USERS TO**
103 **SIGN AN ACKNOWLEDGMENT OF THE RISKS, PROHIBITING**
104 **MINORS UNDER EIGHTEEN YEARS OF AGE FROM USING**
105 **ARTIFICIAL TANNING DEVICES, AND IMPOSING PENALTIES FOR**
106 **VIOLATIONS OF THESE REQUIREMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires tanning facility owners, operators, or employees

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of owners and operators to obtain from first-time users and retain on file a signed acknowledgment of the risks associated with using artificial tanning devices. Additionally, the bill prohibits owners, operators, or employees from allowing a minor who is under 18 years of age to use an artificial tanning device. A person who violates either of these requirements is subject to a penalty of \$250 for the first violation and \$500 for each subsequent violation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-5-1007, **amend**
3 (2) and (3); and **add** (8) as follows:

4 **25-5-1007. Owner responsibilities - prohibit use by minors -**
5 **rules - definition.** (2) The owner OF A TANNING FACILITY shall post a
6 sign on the premises where the artificial tanning device is located ~~which~~
7 THAT notifies operators and potential users of the safety and health risks
8 associated with the use of ~~such~~ ARTIFICIAL TANNING devices. The board
9 shall establish standards concerning the information to be contained in
10 ~~said~~ THE notice and the size OF and location ~~of~~ FOR posting the notice on
11 the premises. ~~Said~~ THE notice shall be of a size and in a location on the
12 premises ~~which~~ THAT allows ~~it to be~~ OPERATORS AND POTENTIAL USERS
13 TO easily read ~~by users~~ IT before being exposed to the artificial tanning
14 device.

15 (3) (a) The owner, OPERATOR, OR EMPLOYEE OF THE OWNER OR
16 OPERATOR OF AN ARTIFICIAL TANNING DEVICE OR TANNING FACILITY shall
17 provide each FIRST-TIME user with a written ~~handout as~~ DISCLOSURE OF
18 THE SAFETY AND HEALTH RISKS OF ULTRAVIOLET RADIATION EXPOSURE
19 FROM ARTIFICIAL TANNING DEVICES, AS specified by the board,
20 ~~containing~~, THAT CONTAINS at a ~~minimum~~, LEAST the following
21 information:

22 (a) (I) The risks of potential negative health effects as a result of

1 ~~improperly supervised~~ exposure to ultraviolet radiation and the general
2 health and sanitation risks associated with the use of ~~such~~ ARTIFICIAL
3 TANNING devices;

4 ~~(b)~~ (II) The risks of potential negative health effects as a result of
5 exposure to ultraviolet radiation while in poor health or on certain
6 medications; and

7 ~~(c)~~ (III) Specific safety and operation information on the artificial
8 tanning device ~~which~~ THAT is to be used.

9 (b) THE OWNER, OPERATOR, OR EMPLOYEE OF THE OWNER OR
10 OPERATOR SHALL NOT ALLOW A FIRST-TIME USER TO USE AN ARTIFICIAL
11 TANNING DEVICE UNTIL:

12 (I) THE OWNER, OPERATOR, OR EMPLOYEE HAS PROVIDED THE
13 DISCLOSURE TO THE USER; AND

14 (II) THE USER HAS SIGNED AN ACKNOWLEDGMENT THAT THE USER
15 RECEIVED, READ, AND UNDERSTANDS THE DISCLOSURE.

16 (c) THE OWNER, OPERATOR, OR EMPLOYEE SHALL RETAIN ON FILE
17 AT THE TANNING FACILITY, AND MAKE AVAILABLE TO THE DEPARTMENT
18 UPON REQUEST, SIGNED DISCLOSURE ACKNOWLEDGMENT FORMS THAT THE
19 OWNER, OPERATOR, OR EMPLOYEE RECEIVED FROM USERS OF THE TANNING
20 FACILITY. IF THE OWNER OR OPERATOR OF A TANNING FACILITY OWNS OR
21 OPERATES A CHAIN OF TANNING FACILITIES, THE OWNER OR OPERATOR
22 SHALL RETAIN THE ORIGINAL SIGNED DISCLOSURE ACKNOWLEDGMENT
23 FORM AT THE TANNING FACILITY WHERE THE USER SIGNED THE FORM AND
24 MAY RETAIN COPIES OF THE ORIGINAL FORM AT ALL OTHER TANNING
25 FACILITY LOCATIONS UNDER THE SAME OWNERSHIP OR OPERATION.

26 (8) (a) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8),
27 AN OWNER, OPERATOR, OR EMPLOYEE OF AN OWNER OR OPERATOR OF AN

1 ARTIFICIAL TANNING DEVICE OR TANNING FACILITY SHALL NOT ALLOW A
2 MINOR TO USE AN ARTIFICIAL TANNING DEVICE.

3 (b) THE OWNER, OPERATOR, OR EMPLOYEE SHALL REQUIRE
4 APPROPRIATE DOCUMENTATION, AS DETERMINED BY THE DEPARTMENT,
5 VERIFYING THE AGE OF A PERSON SEEKING ACCESS TO AN ARTIFICIAL
6 TANNING DEVICE.

7 (c) AN OWNER, OPERATOR, OR EMPLOYEE WHO FAILS TO COMPLY
8 WITH THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO PENALTIES
9 PURSUANT TO SECTION 25-5-1009 FOR EACH INCIDENT OF
10 NONCOMPLIANCE.

11 (d) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT
12 THIS SUBSECTION (8).

13 (e) FOR PURPOSES OF THIS SUBSECTION (8), "MINOR" MEANS A
14 PERSON UNDER EIGHTEEN YEARS OF AGE AND INCLUDES AN EMANCIPATED
15 MINOR, AS DEFINED IN SECTION 13-21-107.5 (1)(a).

16 **SECTION 2.** In Colorado Revised Statutes, 25-5-1009, **amend**
17 (1) as follows:

18 **25-5-1009. Penalties.** (1) (a) (I) Upon a finding by the board that
19 an owner ~~or lessee~~ of a tanning facility is in violation of ~~any of the~~
20 ~~provisions of this part 10, or the standards OR rules or regulations~~ adopted
21 by the board pursuant to this part 10, the board may assess a penalty of up
22 to two hundred dollars for each day of violation, and each day of violation
23 shall be considered a separate offense; EXCEPT THAT:

24 (A) FOR A VIOLATION OF SECTION 25-5-1007 (3)(b) OR (8), THE
25 BOARD MAY ASSESS A PENALTY OF UP TO TWO HUNDRED FIFTY DOLLARS
26 FOR THE FIRST INCIDENT IN VIOLATION AND UP TO FIVE HUNDRED DOLLARS
27 FOR EACH SUBSEQUENT INCIDENT IN VIOLATION; AND

1 (B) FOR A VIOLATION OF SECTION 25-5-1007 (3)(c), THE BOARD
2 MAY ASSESS A PENALTY OF UP TO TWO HUNDRED FIFTY DOLLARS FOR THE
3 FIRST DAY OF VIOLATION AND UP TO FIVE HUNDRED DOLLARS FOR EACH
4 SUBSEQUENT DAY OF VIOLATION.

5 (II) AN OWNER IS DEEMED LIABLE FOR A VIOLATION OF THIS PART
6 10 COMMITTED BY ANY OPERATOR OR EMPLOYEE WHO IS EMPLOYED AT A
7 TANNING FACILITY OWNED BY THE OWNER.

8 (b) Actions may be brought by the attorney general in the district
9 court of the district within which the tanning device is located.

10 (c) In determining the amount of the penalty, the board shall
11 consider the degree of danger to the public caused by the violation, the
12 duration of the violation, and whether the owner ~~or lessee~~ has committed
13 any similar violations.

14 (d) Any penalty fees collected by the board shall be remitted to the
15 state treasurer, who shall credit the same to the ARTIFICIAL tanning device
16 education fund, created in section 25-5-1004.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.