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# HOUSE BILL No. 1244

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-4-13; IC 25-21.5-8-7; IC 25-8-15.4.

**Synopsis:** Tanning beds and land surveyors. Regulates the operation of tanning facilities. Provides that certain offenses related to the operation of tanning devices are Class C misdemeanors. Repeals the law and voids the rule providing for the regulation of tanning facilities by the state board of cosmetology examiners. Removes the following requirements from the land surveyor continuing education requirements: (1) A \$2 fee be paid for each hour of continuing education required. (2) Continuing education fees be paid during certification renewal. (3) The holder of an inactive certificate is not required to pay the registration and renewal fees.

**Effective:** July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Commerce and Economic Development.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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# HOUSE BILL No. 1244



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-4-13 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2000]:

4 **Chapter 13. Tanning Bed Facilities**

5 **Sec. 1. (a) An operator of a tanning facility shall display signs**  
6 **that are clearly visible to a person using the tanning devices in the**  
7 **tanning facility in accordance with the following:**

8 (1) A warning sign must be posted in each tanning facility  
9 room where customers arrange for the use of a sunlamp  
10 product, in each tanning facility room where customers wait  
11 to use a sunlamp product, and in the immediate proximity of  
12 and not less than thirty-six (36) inches from each sunlamp  
13 product. The warning sign must be legible, clearly visible, and  
14 not obstructed by any barrier, equipment, or other item so  
15 that the customer can easily view the warning sign before  
16 energizing the ultraviolet light generating equipment. The  
17 warning sign must meet the following requirements:



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(A) The uppercase letters on the warning sign in the room where the customers pay for the use of a sunlamp product and in the room where the customers wait to use a sunlamp product must be at least five-eighths (5/8) inch tall and the lowercase letters must be at least one-half (1/2) inch tall.

(B) The uppercase letters on the warning sign in the immediate proximity of the sunlamp product must be at least three-eighths (3/8) inch tall and the lowercase letters must be at least one-fourth (1/4) inch tall.

(2) The warning signs must state the following:

**"WARNING: ULTRAVIOLET RADIATION  
FAILURE TO USE PROTECTIVE EYEWEAR  
MAY RESULT IN SEVERE BURNS OR LONG-TERM  
INJURY TO THE EYES**

- 1. Protective eyewear is required by law.
- 2. Follow instructions.
- 3. Avoid overexposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause skin cancer or chronic sun damage characterized by wrinkling, dryness, fragility, and bruising of the skin.
- 4. Ultraviolet radiation from sunlamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation.
- 5. Medication or cosmetics may increase sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight.
- 6. Women on birth control medication who use this product may develop discolored skin.

**IF YOU DO NOT TAN IN THE SUN, IT IS UNLIKELY THAT YOU WILL TAN FROM THE USE OF THIS DEVICE".**

(b) A person who knowingly or recklessly violates this section commits a Class C misdemeanor.

Sec. 2. (a) An owner, operator, or employee of a tanning facility may not state that using a tanning device is free from risk.

(b) An owner, operator, or employee of a tanning facility shall require a person who uses the tanning facility to read and sign a written statement that contains the following information:

- (1) A person who uses a tanning device must use protective eyewear.

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- 1 (2) If the provided eye protection is not worn, use of a tanning  
 2 device may cause damage to the eyes.  
 3 (3) Overexposure to the ultraviolet radiation produced by a  
 4 tanning device may cause burns.  
 5 (4) Exposure to the ultraviolet radiation produced by the  
 6 tanning devices may cause premature aging of the skin and  
 7 skin cancer.  
 8 (5) Abnormal skin sensitivity to ultraviolet radiation or  
 9 burning may be caused by certain foods, cosmetics, or  
 10 medication, including the following:  
 11 (A) Tranquilizers.  
 12 (B) Diuretics.  
 13 (C) Antibiotics.  
 14 (D) High blood pressure medication.  
 15 (E) Birth control medication.  
 16 (F) Other photosensitizing medications.  
 17 (6) An individual who is taking a prescription drug or  
 18 over-the-counter drug should consult a physician before using  
 19 a tanning device.  
 20 (c) An owner, operator, or employee of a tanning facility who  
 21 knowingly or recklessly violates this section commits a Class C  
 22 misdemeanor.  
 23 Sec. 3. (a) The operator of a tanning facility shall do the  
 24 following:  
 25 (1) Have an employee present in the tanning facility during  
 26 business hours who is knowledgeable in the correct operation  
 27 of the tanning devices in the tanning facility and able to assist  
 28 persons in the proper use of the tanning devices.  
 29 (2) Provide each person using a tanning device with properly  
 30 sanitized eyewear that protects the eyes from ultraviolet  
 31 radiation and allows adequate vision.  
 32 (3) Show each customer how to maintain the proper exposure  
 33 distance recommended by the manufacturer.  
 34 (4) Limit each person's use of a tanning device to not more  
 35 than thirty (30) minutes.  
 36 (5) Not allow the temperature of a tanning facility to exceed  
 37 one hundred (100) degrees Fahrenheit at any time.  
 38 (b) A person who knowingly or recklessly violates this section  
 39 commits a Class C misdemeanor.  
 40 Sec. 4. (a) An owner, operator, or employee of a tanning facility  
 41 may not allow a person to use a sunlamp product unless the person  
 42 wears protective eyewear.



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1 (b) The owner, operator, or employee of a tanning facility shall  
2 provide for each sunlamp product at least the number of sets of  
3 protective eyewear that is equal to the number of customers who  
4 can simultaneously use the facility.

5 (c) The protective eyewear required by this section must meet  
6 or exceed the sunlamp product manufacturer's recommendations.

7 (d) A person who knowingly or recklessly violates this section  
8 commits a Class C misdemeanor.

9 **Sec. 5. (a) Protective eyewear provided by the owner, operator,  
10 or employee must be sanitized by the operator before each use by:**

11 (1) immersion for at least one (1) minute in a clean solution  
12 containing at least two hundred (200) milligrams per liter  
13 (200 parts per million) of available quaternary ammonium  
14 compound at a temperature of at least seventy-five (75)  
15 degrees Fahrenheit;

16 (2) immersion for at least one (1) minute in a clean solution  
17 containing at least fifty (50) milligrams per liter (50 parts per  
18 million) of available chlorine as a hypochlorite and at a  
19 temperature of at least seventy-five (75) degrees Fahrenheit;

20 (3) immersion for at least one (1) minute in a clean solution  
21 containing at least twelve and one-half (12.5) milligrams per  
22 liter (12.5 parts per million) of available iodine and at a pH  
23 level of which the efficacy has been demonstrated to be  
24 effective by the manufacturer and at a temperature of at least  
25 seventy-five (75) degrees Fahrenheit;

26 (4) immersion in a clean solution containing any other  
27 chemical sanitizing agent that will provide the equivalent  
28 bactericidal effect of a solution containing at least fifty (50)  
29 milligrams per liter of available chlorine as hypochlorite at a  
30 temperature of at least seventy-five (75) degrees Fahrenheit  
31 for one (1) minute; or

32 (5) swabbing with a chemical sanitizing solution of the same  
33 strength required under subdivision (1) if quaternary  
34 ammonium compounds are used or at least twice the strength  
35 required for that particular sanitizing solution if halogens are  
36 used under subdivisions (2) through (4).

37 (b) Body contact surfaces of each sunlamp product must be  
38 sanitized by the operator between each customer use by swabbing  
39 the body contact surfaces with a chemical sanitizing solution of at  
40 least twice the strength required in subsection (a). The swabbing  
41 must be done with single use towels. Exposure to the ultraviolet  
42 radiation produced by the tanning equipment itself is not

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1 considered a sanitizing agent.

2 (c) A test kit or other device that accurately measures the  
3 concentration of the sanitizing solution in parts per million must be  
4 used by the operator of the tanning facility to measure the strength  
5 of the sanitizing solution at least one (1) time per day of tanning  
6 facility operation.

7 (d) A person who knowingly or recklessly violates this section  
8 commits a Class C misdemeanor.

9 Sec. 6. (a) The owner or operator of a tanning facility shall take  
10 the steps necessary to comply with this subsection. There must be  
11 physical barriers to protect customers from injury induced by  
12 touching or breaking the lamps in a sunlamp product. The tanning  
13 facility must also meet the following requirements:

14 (1) The construction of a tanning booth must be able to  
15 withstand the stress of use and the impact of a falling person.

16 (2) Access to the tanning booth must be of rigid construction  
17 and doors must open outward. Floors in all tanning booths  
18 must have slip resistant surfaces.

19 (3) There must be physical barriers or other means such as  
20 handrails or floor markings to indicate the proper exposure  
21 distance between ultraviolet lamps and the customer's skin in  
22 upright tanning booths.

23 (4) Each ultraviolet lamp contained within the sunlamp  
24 product must be shielded with a screen or transparent cover  
25 to prevent contact with the customer.

26 (5) The operator of a tanning facility shall keep a list of  
27 emergency telephone numbers in view at each tanning facility,  
28 including the numbers of the following:

29 (A) The closest hospital.

30 (B) The fire department.

31 (C) Emergency medical services or 911 if the service is  
32 available.

33 (b) A person who knowingly or recklessly violates this section  
34 commits a Class C misdemeanor.

35 Sec. 7. (a) A person who is less than sixteen (16) years of age  
36 must be accompanied by a parent or guardian when using a  
37 tanning device in a tanning facility.

38 (b) A person who is less than eighteen (18) years of age may not  
39 use a tanning device in a tanning facility unless the parent or  
40 guardian of the person has signed a written statement in the  
41 presence of the operator of the tanning facility granting permission  
42 to do so.

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1 (c) An owner, operator, or employee of a tanning facility who  
 2 knowingly or recklessly violates this section commits a Class C  
 3 misdemeanor.

4 SECTION 2. IC 25-21.5-8-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) The board may  
 6 adopt rules requiring a land surveyor to obtain continuing education for  
 7 renewal of a certificate under this chapter.

8 (b) If the board adopts rules under this section, the rules must do the  
 9 following:

10 ~~(1) Establish a fee of two dollars (\$2) for each hour of continuing~~  
 11 ~~education required after the certificate of registration was issued~~  
 12 ~~or renewed.~~

13 ~~(2) Require that continuing education fees be paid when the land~~  
 14 ~~surveyor's certificate of registration is renewed.~~

15 ~~(3) (1) Establish procedures for approving an organization that~~  
 16 ~~provides continuing education.~~

17 ~~(4) (2) Require an organization that provides an approved~~  
 18 ~~continuing education program to supply the following information~~  
 19 ~~to the board not more than thirty (30) days after the course is~~  
 20 ~~presented:~~

21 (A) An alphabetical list of all land surveyors who attended the  
 22 course.

23 (B) A certified statement of the hours to be credited to each  
 24 land surveyor.

25 (c) If the board adopts rules under this section, the board may adopt  
 26 rules to do the following:

27 (1) Allow private organizations to implement the continuing  
 28 education requirement.

29 (2) Establish an inactive certificate of registration. If the board  
 30 adopts rules establishing an inactive certificate, the board must  
 31 adopt rules that:

32 (A) do not require the holder of an inactive certificate to obtain  
 33 continuing education;

34 (B) prohibit the holder of an inactive certificate from  
 35 practicing land surveying;

36 (C) establish requirements for reactivation of an inactive  
 37 certificate; and

38 (D) ~~do not~~ require the holder of an inactive certificate to pay  
 39 the registration and renewal fees required under  
 40 IC 25-21.5-7-5.

41 SECTION 3. IC 25-8-15.4 IS REPEALED [EFFECTIVE JULY 1,  
 42 2000].



1           SECTION 4. [EFFECTIVE JULY 1, 2000] **820 IAC 5 is void. The**  
2 **publisher of the Indiana Administrative Code and Indiana Register**  
3 **shall remove this section from the Indiana Administrative Code.**

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