

By the Committee on Health Policy; and Senator Sobel

588-03220-14

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1 A bill to be entitled
2 An act relating to the use of a tanning facility by a
3 minor; providing a short title; amending s. 381.89,
4 F.S.; revising the age of a minor prohibited from
5 using a tanning device at a tanning facility;
6 prohibiting a minor of any age from using a tanning
7 device; providing an exception if a health care
8 provider prescribes tanning sessions for a minor to
9 treat a medical condition and the tanning facility has
10 on file a statement signed by the minor's parent or
11 guardian; requiring the statement to be witnessed by
12 the operator or proprietor of the tanning facility;
13 prohibiting a tanning facility from providing tanning
14 sessions that exceed the number, frequency, or
15 exposure time prescribed by the health care provider
16 if less than otherwise allowed under department rule;
17 requiring a parent or guardian to accompany a minor
18 who is younger than 14 years of age during the
19 prescribed tanning sessions; providing an effective
20 date.

21
22 WHEREAS, frequent exposure to ultraviolet radiation through
23 the use of tanning devices increases the risk of developing skin
24 cancer, including melanoma, the deadliest form of skin cancer,
25 and

26 WHEREAS, the American Academy of Dermatology estimates that
27 nearly 2.3 million minors use tanning devices annually, and

28 WHEREAS, the United States Food and Drug Administration
29 warns that a minor's overexposure to ultraviolet radiation

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30 during childhood greatly increases the chances of developing
31 skin cancer later in life, and

32 WHEREAS, the Legislature finds that it is in the public
33 interest to protect children from the harmful effects of
34 ultraviolet radiation through the use of tanning devices by
35 restricting a minor's access to such devices unless authorized
36 by a health care provider, NOW, THEREFORE,

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. This act may be cited as the "Preventing Youth
41 Cancer Act."

42 Section 2. Present subsections (9) through (13) of section
43 381.89, Florida Statutes, are redesignated as subsections (8)
44 through (12), respectively, and present subsections (7), (8),
45 and (10) of that section are amended, to read:

46 381.89 Regulation of tanning facilities.—

47 (7) (a) A tanning facility may not allow a minor ~~between the~~
48 ~~ages of 14 and 18~~ to use a tanning device unless:

49 1. The use of the tanning device is prescribed by a health
50 care provider to treat a medical condition; and

51 2. The tanning facility ~~it~~ has on file a statement signed
52 by the minor's parent or legal guardian and witnessed by the
53 operator or proprietor of the tanning facility stating that the
54 parent or legal guardian:

55 a. Has read and understands the warnings given by the
56 tanning facility;;~~—~~

57 b. Consents to the minor's use of a tanning device;;~~—and~~

58 c. Agrees that the minor will use the provided protective

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59 eyewear; and-

60 d. Authorizes a specified number of tanning sessions for
61 the minor as prescribed by the minor's health care provider.

62 (b) The tanning sessions provided by a tanning facility may
63 not exceed the number, frequency, or exposure time prescribed by
64 the health care provider if the number, frequency, or exposure
65 time in the prescription is less than otherwise allowed by this
66 section or rule of the department.

67 (c) The parent or legal guardian must accompany a minor who
68 is younger than 14 years of age during the prescribed tanning
69 sessions.

70 ~~(8) A minor under the age of 14 must be accompanied by a~~
71 ~~parent or legal guardian when using a tanning device.~~

72 ~~(9)-(10) PENALTIES.—~~

73 (a) Each of the following acts constitutes a felony of the
74 third degree, punishable as provided in s. 775.082 or s.
75 775.083:

76 1. Owning or operating, or soliciting business as, a
77 tanning facility in this state without first procuring a license
78 from the department, unless specifically exempted by this
79 section.

80 2. Obtaining or attempting to obtain a license by means of
81 fraud, misrepresentation, or concealment.

82 (b) Each of the following acts constitutes a misdemeanor of
83 the second degree, punishable as provided in s. 775.082 or s.
84 775.083:

85 1. Failing to maintain the records required by this section
86 or knowingly making false entries in such records.

87 2. Failing to comply with subsection (7) ~~or subsection (8).~~

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88 (c) The court may, in addition to other punishment provided
89 for, suspend or revoke the license of any licensee under this
90 section who has been found guilty of any violation listed in
91 paragraph (a) or paragraph (b).

92 (d) In the event the department or any state attorney shall
93 have probable cause to believe that a tanning facility or other
94 person has violated any provision of paragraph (a), an action
95 may be brought by the department or any state attorney to enjoin
96 such tanning facility or ~~any~~ person from continuing such
97 violation, or engaging therein or doing any acts in furtherance
98 thereof, and for such other relief as to the court seems
99 appropriate.

100 Section 3. This act shall take effect October 1, 2014.