



MASSACHUSETTS STATE SENATE
SENATOR JAMES E. TIMILTY
(BRISTOL AND NORFOLK)



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PRESS RELEASE

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Skin Cancer on the Rise in Massachusetts
Timilty Announces Legislation to Regulate Sun Tanning Salons

BOSTON – Legislation was filed today by State Senators James Timilty (D-Walpole) and Pam Resor (D-Acton) that would not only regulate sun tanning salons in the Commonwealth but also stem the rising rate of skin cancer as well.

"Skin cancer is epidemic in our country today," said Senator Timilty. "More than one million Americans will probably get skin cancer this year."

Senator Timilty added, "Nationally, the incidence rate of melanoma, the most fatal form of skin cancer, is growing at an alarming pace, accounting for the greatest increases in the last decade among all preventable cancers. In Massachusetts, about 615 men and 505 women are diagnosed with melanoma each year, and our state has a melanoma mortality rate that is 19% higher than national rates."

"There is mounting evidence that the increased use of tanning facilities, especially among teens and young adults, has greatly contributed to an dramatic rise in the incidence of skin cancer, Timilty said.

According to recent studies by the American Academy of Dermatology, The rise in popularity of tanning facilities has been identified as a major contributor to the increase in skin cancer cases. Teens are strongly encouraged by public health officials and medical professionals to avoid indoor tanning. Use of tanning booths is particularly dangerous during teen-age years because teens are still experiencing tremendous growth at the cellular level. These skin cells, like other cells in the body, are dividing more rapidly during teen years than during adulthood, making exposure to UV even more detrimental. In addition, it is a known fact that the number of times a child is burnt by UV, either from the sun or artificial tanning, increases the child's risk of developing melanoma.

In 1993, the Massachusetts Legislature passed a law regulating sun tanning salons (M.G.L.chapter 111 sections 207-214, inclusive). This law gave local Boards of Health the authority to set forth the licensure procedures and the requirements for the maintenance and operation of tanning facilities. Unfortunately, enforcement of the regulations has been uneven due in part to the lack of financial support given local Boards of Health agents.

Timilty said, “The proposed bill will prohibit children under 16 from using tanning facilities, and will require parental permission for 16 and 17 year olds. The bill also standardizes the licensing requirements for tanning facilities, adjusts the licensing fee to provide local governments with the resources needed to enhance enforcement and oversight, and requires that the operators of the radiation-emitting tanning devices be at least eighteen years of age and registered with local boards of health.”

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AN ACT FURTHER REGULATING TANNING FACILITIES

Chapter 111 of the General Laws is hereby amended by striking out section 207, as appearing in the 2004 Official Edition, and inserting in place thereof the following section: -

Section 207. For the purposes of sections two hundred and eight to two hundred and fourteen, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

“Board of health” or “board”, the board of health, including the board or officer having like powers and duties in towns where there is no board of health, with jurisdiction in the community in which a tanning facility is located.

“Phototherapy device”, equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.

“Operator”, any trained person designated by the licensee for the facility and registered with the board of health to control the operation of a tanning facility in compliance with this act and to assist and instruct the public in the correct operation of the tanning facility and its equipment;

“Tanning device”, any equipment used for tanning the skin that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers, including, but not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning lamps. Tanning device shall also include any accompanying equipment, including, but not limited to, protective eyewear, timers and handrails.

“Tanning facility”, any location, place, area, structure or business which provides access to a tanning device.

SECTION 2. Said chapter 111 is hereby further amended by striking out section 208, as so appearing, and inserting in place thereof the following section:-

Section 208. (a) No person shall operate a tanning facility until said facility has been granted a license by the board of health. Each license granted hereunder shall expire one year from the date of its issue. The fee for each license and annual renewal thereof shall be two-hundred and fifty dollars.

(b) Applications for each license and annual renewal thereof shall be made on forms proscribed by and made available from the board. The board shall require at least the following information on the application for a permit to operate a tanning facility: name, physical address, mailing address, and telephone number of the following:

1. The tanning facility;
2. The applicant (owner[s]) of the tanning facility;

3. The manufacturer, model number, serial number, year and month of manufacture, and type of each ultraviolet lamp or piece of tanning equipment located within the facility;
4. The primary function of the business in which the tanning facility is located;
5. The geographic areas within the state to be covered, if the facility is mobile;
6. Copies of any posted warnings or other notices which are not required by this act and which address the safe or proper use of tanning equipment and protective devices;
7. Copies of consent forms and statements which consumers, parents or guardians will be required to sign pursuant to this act;
8. Names and addresses of the tanning equipment supplier(s), installer(s), operator(s), and service agent(s);
9. A copy of the operating procedures to be used in the tanning facility;
10. The hours of operation of the tanning facility;
11. The name of the on-site manager of the tanning facility; and
12. A signed and dated certification that the applicant has received, read, and understood the requirements of this act.

(c) No license granted hereunder shall be transferable from one person to another or from one tanning facility to another.

(d) The board shall inspect each tanning facility within thirty days of licensure and every six months thereafter.

(e) A tanning facility which violates the provisions of this section, sections two hundred and nine to two hundred and fourteen, inclusive, or any other applicable law, rule or regulation shall have seven days after written notice of such failure in which to comply with such provisions. The board may revoke the license of a tanning facility which fails to comply after said seven days.

(f) Any person aggrieved by a determination of the board pursuant to sections two hundred and seven to two hundred and thirteen, inclusive, may appeal to the department within twenty days of said determination. Any person, including, but not limited to, the board, aggrieved by a determination of the department may appeal said decision pursuant to the provisions of section fourteen of chapter thirty A.

SECTION 3. Section 210 of said chapter 111, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No tanning facility shall employ a minor under eighteen as a tanning device operator or permit him operate a tanning device. A tanning facility shall register any person employed as a tanning device operator with the board within thirty days of the operator's first day of employment. There shall be a one-time registration fee of twenty five dollars for each operator registered by the tanning facility. A tanning facility shall at all times during operating hours have an registered operator present who is sufficiently knowledgeable in the correct operation of the tanning devices used at the tanning facility to be able to inform and assist each customer

in the proper use of such tanning devices and to provided sanitized protective eyewear and towels. No person shall use a tanning device without such protective eyewear.

SECTION 4. Said chapter 111 is hereby further amended by striking out section 211, as so appearing, and inserting in place thereof the following section:-

Section 211. (a) No person under the age of sixteen shall be permitted to use a tanning device.

(b) No person sixteen years of age to seventeen years of age, inclusive, shall be permitted to use a tanning device without the prior written consent of a parent or legal guardian, provided that, prior to providing written consent, said parent or guardian shall be provided with a copy of the warnings required under the provisions of section two hundred and nine, provided further, that said parent or guardian shall sign a statement in the presence of the operator acknowledging receipt and understanding of the warning statement. The operator shall sign the written consent form as a witness to the signing of the parent or guardian.