

CHAPTER 48

AN ACT concerning the use of tanning facilities by minors and amending and supplementing P.L.1989, c.234.

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

C.26:2D-82.1 Restrictions on use of tanning facilities by minors.

1. a. A tanning facility operator shall not permit a person who is under 14 years of age to use a tanning facility.

b. A tanning facility operator shall not permit a person who is at least 14 but less than 18 years of age to use a tanning facility without written authorization of the person's parent or legal guardian indicating that such parent or guardian has read and understood the safety standards and warnings required pursuant to section 3 of P.L.1989, c.234 (C.26:2D-83). An emancipated minor shall be exempt from the authorization requirement of this subsection upon legal proof documenting said emancipation.

c. The Commissioner of Health and Senior Services shall establish by regulation:

- (1) the contents required in the authorization form;
- (2) the method for maintaining a record of the forms; and
- (3) the frequency with which the forms shall be authorized or reauthorized.

d. The penalties for violating the provisions of this section shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).

2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to read as follows:

C.26:2D-83 Minimum safety standards for tanning facilities established.

3. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, 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";

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

e. A requirement that the facility operator post a sign in conspicuous view at or near the reception area which states: "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO USE THIS TANNING FACILITY. PERSONS BETWEEN 14 AND 18 YEARS OF AGE SHALL NOT BE PERMITTED TO USE THIS TANNING FACILITY WITHOUT WRITTEN AUTHORIZATION OF A PARENT OR LEGAL GUARDIAN."

3. Section 5 of P.L.1989, c.234 (C.26:2D-85) is amended to read as follows:

C.26:2D-85 "Non-Ionizing Radiation Fund" established in DHSS.

5. There is established in the Department of Health and Senior Services 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.

4. Section 6 of P.L.1989, c.234 (C.26:2D-86) is amended to read as follows:

C.26:2D-86 Tanning facility; annual registration, fee.

6. a. A tanning facility shall register annually with the Department of Health and Senior Services on forms provided by the department and shall pay to the department an annual registration fee.

b. The Department of Health and Senior Services shall establish a registration fee schedule, by regulation, to cover the costs of implementing the provisions of this act, including the costs incurred by local boards of health pursuant to section 4 of this act.

5. Section 7 of P.L.1989, c.234 (C.26:2D-87) is amended to read as follows:

C.26:2D-87 Violations, penalties.

7. A person who violates the provisions of this act is subject to a penalty of \$100 for the first offense and \$200 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 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

A penalty recovered under the provisions of this act shall be recovered by and in the name of the Commissioner of Health and Senior Services or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health and Senior Services the penalty recovered shall be paid by the commissioner into the treasury of the State. 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.

6. Section 8 of P.L.1989, c.234 (C.26:2D-88) is amended to read as follows:

C.26:2D-88 Rules, regulations.

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

7. This act shall take effect on the 120th day following enactment.

Approved July 19, 2006.