



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

S.B. 113

130th General Assembly
(As Introduced)

Sens. Lehner and Kearney, Brown, Gardner, Hite, Jones, Sawyer, Seitz, Smith, Tavares, Turner

BILL SUMMARY

- Prohibits an operator or employee of a tanning facility from allowing an individual under age 18 to use the facility's fluorescent sun lamp tanning services unless the individual presents a prescription issued by a physician.
- Requires that the State Board of Cosmetology regulate chemical tanning facilities.

CONTENT AND OPERATION

Prescription requirement for minors to use fluorescent sun lamp tanning services

The bill prohibits an operator or employee of a tanning facility from allowing an individual under age 18 to use the facility's fluorescent sun lamp tanning services unless the individual presents a prescription issued by a physician for ultraviolet radiation treatment. The prescription requirement replaces the existing requirement that a minor have written consent from the minor's parent or legal guardian before receiving tanning services.¹

In a corresponding change, the bill repeals the duty of the State Board of Cosmetology to adopt rules regarding the written consent requirement. The bill instead directs the Board to adopt rules requiring that an operator make reasonable efforts to determine whether a consumer seeking sun lamp tanning services is 18 years of age or

¹ R.C. 4713.50.

older. When adopting these rules, the bill requires that the Board consult with the Ohio Department of Health.²

A tanning facility operator who violates the bill's prohibition is subject to disciplinary action by the Board. Under existing law, the Board is permitted to deny, revoke, or suspend an operator's permit, or impose a fine on the operator, for failing to comply with any provision of the laws administered by the Board. Fines are accelerated according to the number of violations: (1) not more than \$500 for a first offense, (2) not more than \$1,000 for a second offense, and (3) not more than \$1,500 for a third or subsequent offense. The Board's authority to impose disciplinary actions also may apply to an employee of the facility, if the employee holds a license to engage in a branch of cosmetology.³

A person who aids or abets any person violating the bill's prohibition is subject to criminal penalty. On a first offense, the violator is guilty of a fourth degree misdemeanor. For each subsequent offense, the person is guilty of a third degree misdemeanor.⁴

Regulation of chemical tanning facilities

The bill provides for the regulation of chemical tanning facilities. Under current law, a tanning facility is defined as a room or booth that houses equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation. The bill expands this definition to also include a room or booth that houses equipment or beds used for tanning human skin by the use of chemicals applied to the skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans.⁵

By changing the definition in the bill, the Board is required to regulate chemical tanning facilities in much the same manner as it regulates fluorescent sun lamp tanning facilities. For example, the operator of a chemical tanning facility also must obtain a permit from the Board, renew the permit biennially, and pay the required fees established by Board rule (\$65 for an initial permit; \$50 for biennial renewal).⁶ Failure to do so is a fourth degree misdemeanor on a first offense and a third degree misdemeanor

² R.C. 4713.08(A)(16) and Section 3.

³ R.C. 4713.64(A)(1), (B), and (D), not in the bill.

⁴ R.C. 4713.14(B) and 4713.99, not in the bill.

⁵ R.C. 4713.01.

⁶ R.C. 4713.48, not in the bill and Ohio Administrative Code 4713-19-03.



on subsequent offenses.⁷ A chemical tanning facility also becomes subject to standards, adopted by the Board in rules, for installing and operating a tanning facility in a manner that ensures the health and safety of consumers.⁸ Finally, the Board is authorized to inspect facilities and to discipline operators for failing to comply with any requirement found in statute or rule.⁹

HISTORY

ACTION	DATE
Introduced	04-23-13

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⁷ R.C. 4713.14(Q) and 4713.99, not in the bill.

⁸ R.C. 4713.08(A)(16).

⁹ R.C. 4713.06, 4713.48, and 4713.64, not in the bill.

