# Ohio Legislative Service Commission

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# Fiscal Note & Local Impact Statement

**Bill**: Sub. H.B. 131 of the 130th G.A. **Date**: June 17, 2014

**Status**: As Passed by the House **Sponsor**: Reps. Johnson and Stinziano

**Local Impact Statement Procedure Required**: No

**Contents**: Prohibits tanning facilities from allowing the use of sun lamps by individuals under 18 without parental consent and regulates chemical tanning

## State Fiscal Highlights

- The bill expands the definition of tanning facilities to include chemical tanning techniques and equipment or beds that use visible light for cosmetic purposes in addition to sun lamp tanning that is already regulated by the State Board of Cosmetology. The number of additional establishments that would be regulated under the bill is unknown. The Board is chiefly supported by biennial license and permit revenue that is deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).
- The Board could incur minimal costs to adopt rules establishing procedures that tanning facility operators must follow to determine the age of sun lamp tanning patrons and to develop forms used by operators to obtain consent from sun lamp tanning patrons or their parents or legal guardians.
- There could be a minimal gain in fines assessed against tanning facility operators or employees of these establishments that violate sun lamp tanning regulations under the bill. Any fines collected would be deposited into Fund 4K90.

## Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

# Detailed Fiscal Analysis

## Overview

The bill requires the operator or employees of a tanning facility to make a reasonable effort to determine the age of a consumer who is seeking sun lamp tanning services. Additionally, the bill prohibits the operator or employees from allowing consumers to use fluorescent sun lamp tanning services without obtaining the consumer's consent or, for consumers not yet 18 years old, the consent of the consumer's parent or legal guardian. Under current law, an individual less than 18 years old may use sun lamp tanning services with written permission from the individual's parent or legal guardian. Finally, the bill expands the definition of tanning facility to include business establishments that offer customers chemical tanning services or equipment or beds that employ visible light for cosmetic purposes.

Overall, the bill would likely result in not more than minimal increased costs and revenue gains for the State Board of Cosmetology. The Board is responsible for the health, safety, and sanitation of the beauty industry, including tanning facilities, through the licensing and regulation of salons and individual licensees. The State Board of Cosmetology is the state's second largest licensing board, overseeing just over 119,000 active licensees, including 1,470 permits for tanning facilities, according to the Board's annual report for FY 2013. As of April 2014, the Board had 39 full-time employees. Its operations are supported by licensing and permitting revenue, as well as fines, that are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The FY 2014 appropriation for the Board is $3.47 million.

## Consent for tanning services

The bill requires the State Board of Cosmetology to adopt rules establishing procedures an operator of a tanning facility must follow in making reasonable efforts to determine the age of an individual seeking to use sun lamp tanning services. Once an individual's age is established, the bill requires the operator to obtain consent from the consumer or the consumer's parent or legal guardian if not yet 18, prior to allowing the consumer to engage in sun lamp tanning. For consumers at least 16 but not yet 18, consent from the consumer's parent or legal guardian is valid for 90 days and must be provided by the parent or legal guardian in the presence of the tanning facility operator. For consumers not yet 16, consent from the consumer's parent or legal guardian must be obtained prior to each tanning session and made in the presence of the operator. The bill requires the Board to develop the forms tanning facility operators would use to obtain consent.

As a consequence of these new proof of age and consent requirements, the State Board of Cosmetology could see some gains in revenue from fines levied against licensees that operate sun lamp tanning services. Under the bill, an initial violation would result in a fine of $500. Current law penalties would apply to subsequent

violations which could result in denial, revocation, or suspension of an operator's permit, or a fine of not more than $1,000 for a second offense, and not more than $1,500 for a third or subsequent offense. Fine revenue collected by the Board is deposited into Fund 4K90. Fines from all sources collected by the Board (not just tanning facilities) amounted to $558,022 in FY 2013.

## Regulation of additional tanning facilities

The bill modifies the definition of tanning facilities to include equipment that applies chemicals to human skin to create the appearance of being suntanned, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans. The bill also includes equipment or beds that use visible light for cosmetic purposes in the definition. Under current law, a tanning facility includes only those facilities using fluorescent sun lamps using ultraviolet or other artificial radiation to tan human skin. As a result of this expanded authority, the Board could see both a minimal increase in costs and a minimal gain in revenues for regulating these additional tanning facilities. The number of such establishments statewide that would be covered under this new authority is unknown. Permits to operate a tanning facility are $65 for a new permit and $50 biennially for renewal. Revenue from these permits would be deposited into Fund 4K90.

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