



Ohio Legislative Service Commission

Tom Wert

Fiscal Note & Local Impact Statement

Bill: [H.B. 131 of the 130th G.A.](#)

Date: May 14, 2013

Status: As Introduced

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 a prescription and regulates chemical tanning

State Fiscal Highlights

- The bill expands the definition of tanning facilities to include chemical tanning techniques 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 regarding the use of sun lamp tanning services by consumers who are not yet 18 years of age.
- 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 if a consumer seeking sun lamp tanning services is at least 18 years old. Additionally, the bill prohibits the operator or employees from allowing consumers not yet 18 years old to use fluorescent sun lamp tanning services without a prescription for ultraviolet radiation treatment issued by a physician. 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 chemical tanning services to customers.

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 Board is the state's second largest licensing board, overseeing more than 126,000 active licensees, including more than 1,600 permits for tanning facilities in FY 2012. As of April 2013, the Board had 37 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 2013 appropriation for the Board is \$3.4 million.

Prescription for tanning services if under 18 years of age

The bill requires the State Board of Cosmetology to consult with the Department of Health when adopting rules pertaining to the use of sun lamps by consumers and for the implementation and enforcement of the bill's provision requiring a physician-issued prescription for individuals less than 18 years old seeking sun lamp tanning services. Both agencies could incur some administrative costs from rule-making processes and from coordination of implementation and enforcement activities. Any costs incurred would likely be minimal.

The Board may experience minimal gains in revenue if it determines that violations of sun lamp tanning laws will be penalized through fines. Under current 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. Fine revenue collected by the Board is deposited into Fund 4K90.

Regulation of chemical tanning facilities

The bill modifies the definition of tanning facilities to 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 techniques commonly referred to as spray-on, mist-on, or sunless tans. 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 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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