

- SUBJECT:** Restricting use of indoor tanning facility devices by minors
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 8 ayes — Kolkhorst, Naishtat, Coleman, J. Davis, Gonzales, McReynolds, Truitt, Zerwas
- 1 nay — Laubenberg
- 2 absent — Hopson, S. King
- WITNESSES:** (*On original version:*)  
For — Lee Ann Alexander; Mark Clanton, MD, American Cancer Society; Renée Mauzy; Sharon Raimer; (*Registered, but did not testify:* Jaime Capelo, Patients FIRST Coalition; Marisa Finley, Scott & White Center for Healthcare Policy; James Gray, American Cancer Society; Harry Holmes, Tex Health Coalition; Carrie Kroll, Texas Pediatric Society)  
  
Against — William Grant, Indoor Tanning Association; Diane Lucas, Palm Beach Tan and Indoor Tanning Association
- BACKGROUND:** The Health and Safety Code prohibits children under age 13 from tanning at tanning facilities using devices that emit ultraviolet (UV) radiation unless the child’s parent or legal guardian is present and the tanning facility receives written permission from the child’s doctor. A parent or legal guardian must remain at the tanning facility for children age 13, 14, or 15 years of age to use a tanning device. Children 16 or 17 years of age must give the operator a written informed consent statement signed and dated by their parent or legal guardian stating that the parent or legal guardian has read and understands the warnings given by the tanning facility, consents to the child’s use of a tanning device, and agrees that the child will use protective eyewear.
- DIGEST:** (*The author intends to offer a complete floor substitute for HB 1310. The following analysis is of the floor substitute.*)  
  
HB 1310 would forbid a child under 16-and-one-half years old to use a tanning device that emits ultraviolet radiation.

Persons under 18 years old but not younger than 16-and-one-half years old could use a tanning device only if the person's parent or legal guardian provided written consent for the child to use the tanning device. The parent or guardian would have to provide the written consent in person at the facility and could revoke consent at any time.

The minor also would have to provide the tanning facility operator a written informed consent statement signed by both the minor and a parent or legal guardian that they have read and understood an advisory statement warning of the dangers of indoor and outdoor tanning and its association with skin cancer, eye damage, and other health risks, and agree that the minor would wear protective eyewear at all times. The Texas Medical Board would be required to issue this advisory statement and would have to post the statement on its website by January 1, 2010.

The tanning facility would be required to keep parent or guardian consent forms in the records that tanning facilities must maintain for each customer for at least three years following the customer's last use of the tanning device.

The bill would take effect September 1, 2009, and the new consent form requirements would take effect January 1, 2010.

**SUPPORTERS  
SAY:**

The floor substitute for HB 1310 would prohibit children under 16-and-one-half years of age from using indoor tanning devices. There is no adequate medical justification for the need for full-body indoor tanning, and younger children are at the highest risk of developing skin cancer. By 16-and-one-half years of age, the state deems teens responsible enough to have their driver's license, so they also are old enough to understand the dangers of tanning and responsible enough to tan with parental consent.

The bill would provide adequate information for parents and teens to understand the health consequences of indoor and outdoor tanning and would provide parents with final discretion over protecting the health and well-being of their minor child. The U.S. Department of Health and Human Services considers UV radiation to be a carcinogen. Long-term exposure can increase the risk of melanoma — the form of skin cancer with the highest mortality rate. UV radiation also can cause eye damage, age skin, and suppress the immune system. It is considered addictive because it causes the body to release endorphins. Minors cannot buy

cigarettes, another well-known carcinogen, and Texas should limit minors' indoor tanning as well.

Any skin condition for which a doctor recommends light treatment should be addressed in a controlled and localized way through medical instruments in a doctor's office. HB 1310 would not adversely impact the business of small tanning salon owners, because minors still could use alternative tanning products offered by tanning facilities such as spray tans.

The floor substitute for HB 1310 is preferable to the filed version of the bill because it would acknowledge that a parent and a minor over 16-and-one-half years old would have the knowledge, given the advisory statement that must be signed, of the risks of indoor tanning without the need for a doctor's participation in this decision. The consent form would have to be signed in person at the facility to ensure that the parent truly had signed the consent form and that the minor had not forged this consent.

**OPPONENTS  
SAY:**

HB 1310 should not impose further restrictions on tanning by minors, because the tanning industry already has adequate oversight by the state and federal government and the bill would not improve public health. It is rare that very young children use tanning facilities, and those under 13 cannot tan without a doctor's prescription. Children 13 and over who tan already are required to have parental consent, and children ages 13 to 15 must have a parent at the facility at all times while the child tans.

There are some skin conditions, including psoriasis or eczema, for which a doctor would prescribe light treatment. While such a procedure often would be performed in a dermatologist's office, HB 1310 should not prevent children in rural areas that may not have convenient access to treatment in a doctor's office to tan for medical conditions under the supervision of their parents.

Ultimately, well-informed parents should have the final say on whether their children tan, and HB 1310 would take away parents' rights to decide what is an acceptable health risk for a child who is 13 to 15 years old. This bill would take away business unnecessarily from the many small-business owners who operate tanning facilities.

OTHER  
OPPONENTS  
SAY:

HB 1310 would be beneficial in disallowing younger children from tanning, but the requirement in the bill as filed for a doctor to grant permission for a minor to tan should have been maintained. As a medical professional, a doctor is the best resource to explain the health risks of tanning and would be able to answer questions posed by the minor or parent about tanning. Feedback on specific medical questions would not be afforded by a simple medical advisory statement.

NOTES:

HB 1310 as filed would have required a doctor's written permission for anyone under 18 years of age to tan and would have required the tanning facility to keep this written permission in the customer's record.