

BILL ANALYSIS

Senate Research Center

H.B. 1155
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Health Services
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Engrossed

DIGEST

Current law regulates tanning facilities through the Texas Department of Health. Tanning facilities must obtain licenses, post certain warning signs, require parental consent of customers under 18 years of age, and maintain certain records. H.B. 1155 requires a tanning facility to post additional warning information, prohibits a tanning facility from allowing a person younger than 18 year of age to use a tanning device, and requires a tanning facility to maintain additional customer and incident information. This bill also requires the Texas Department of Health to conduct a public education program on the dangers of tanning and to maintain a toll-free tanning injury hotline.

PURPOSE

As proposed, H.B. 1155 establishes provisions regarding the regulation of tanning.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Health in SECTION 3(Section 145.006, Health and Safety Code), SECTION 4 (Section 145.008, Health and Safety Code), and SECTION 5 (Section 145.010, Health and Safety Code) of this bill.

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 145.002, Health and Safety Code, to define "Fitzpatrick scale." Makes conforming changes.

SECTION 2. Amends Section 145.005(a), Health and Safety Code, to require a tanning facility to give each customer a written statement warning, among other things, that a person with pale eyes or very fair skin that always burns and never tans should avoid a tanning device and that a person with a family or past medical history of skin cancer should avoid a tanning device.

SECTION 3. Amends Section 145.006, Health and Safety Code, to authorize a customer to call the Texas Department of Health at a certain number to report an injury regarding this tanning facility. Requires an operator to post three color photographs on or near each warning sign required by this section. Sets forth the required image of the photographs. Requires the Texas Board of Health (board) by rule to describe each photograph, the requirements for the posting of the photograph, and how the operator may obtain copies of photographs for compliance with this subsection.

SECTION 4. Amends Section 145.008, Health and Safety Code, by amending Subsections (e), (f), and (h) and adding Subsections (i) and (j), to provides that a person, who is 18 years of age or older, before the person uses a tanning facility's tanning device, rather than a tanning facility device, for the first time and each time a person executes or renews a contract to use a tanning facility, rather than device, must provide photo identification, in addition to signing a particular written statement. Prohibits a tanning facility from allowing a person younger than 18 years of age to use a tanning device, rather than providing that a person younger than 18 years, must give written parental consent before using a tanning facility device. Includes the customer's eye color; the customer's skin type, as determined by the customer by using the Fitzpatrick scale for classifying a skin type; whether the customer has a family history of skin cancer; and whether the customer has a past medical history of skin cancer among the required information of each customer that a tanning facility is required maintain. Requires an operator to keep an incident log at each tanning facility. Requires that the log be maintained at the tanning facility at least until the third anniversary of the date of

an incident. Requires the board, by rule, to prescribe the form and content of the log. Sets forth the required composition of the log. Requires the Texas Department of Health (TDH) to provide each applicant for an original or renewal license a written copy of the Fitzpatrick scale.

SECTION 5. Amends Section 145.010, Health and Safety Code, by adding Subsection (f), to requires the board, by rule, to increase the license fee collected under this section to allow TDH to recover its costs in implementing the program required by Section 145.014.

SECTION 6. Amends Chapter 145, Health and Safety Code, by adding Section 145.014, as follows:

Sec. 145.014. PUBLIC EDUCATION. (a) Requires TDH to conduct an education program to inform the public about the dangers of tanning. Authorizes TDH to accept a gift, grant, or donation to be used in administering this section.

SECTION 7. Amends Chapter 145, Health and Safety Code, by adding Section 145.015, as follows:

Sec. 145.015. TOLL-FREE NUMBER. Requires TDH to maintain a toll-free telephone number that a customer may call to report an injury regarding a tanning device or incurred at a tanning facility.

SECTION 8. (a) Effective date: September 1, 1999.

(b) Requires TDH, not later than November 1, 1999, to adopt the rules required by Sections 145.006, 145.008, and 145.010, Health and Safety Code, and to implement the toll-free number required by Section 145.015, Health and Safety Code.

(c) Provides that a tanning facility or operator is not required to post the warning signs and photographs required by Section 145.006, Health and Safety Code, until December 1, 1999.

SECTION 9. Emergency clause.