

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 663
By: Lewis, Ron (Nelson)
Health & Human Services
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Committee Report (Substituted)

DIGEST AND PURPOSE

According to the American Academy of Dermatology, skin cancer is the most common and rapidly increasing cancer in the United States. In 1997, an estimated one million new cases of skin cancer were diagnosed, including more than 40,000 cases of malignant melanoma, the most deadly form of skin cancer. Children and adolescents are particularly vulnerable to sun exposure, and severe sunburns at an early age may increase the risk for skin cancer later in life. The United States Department of Health and Human Services now includes solar ultraviolet (UV) radiation and exposure to sunlamps and sunbeds as human carcinogens. Furthermore, many dermatologists conclude that artificial tanning equipment inflicts more damage in less time than unprotected exposure to sunlight. In Texas, there are approximately 1,700 licensed tanning facilities. Current law regulating tanning facilities needs to be amended to account for new information regarding the tremendous increase in cases of skin cancer and the damage of UV rays on children and teenagers. C.S.H.B. 663 requires tanning facilities and the Texas Department of Health to provide information about the dangers of tanning; prohibits persons younger than 13 years of age from using a tanning device at a tanning facility without written permission from a physician and being accompanied to the facility by a parent; and authorizes persons age 13 through 17 to use a tanning device only under certain circumstances.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

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

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

SECTION 3. Amends Sections 145.006(a) and (b), Health and Safety Code, to add new text to a warning sign that is required to be posted by a tanning facility.

SECTION 4. Amends Section 145.008, Health and Safety Code, to require a customer 18 years of age or older who uses a tanning facility's tanning device to provide photo identification before using a tanning facility, rather than tanning facility device. Prohibits a tanning facility, to ensure the proper operation of the tanning equipment, from allowing a person younger than 13 years of age to use a tanning device except under certain circumstances. Requires a person 16 or 17, rather than younger than 18, years of age to give the operator of the tanning facility a written informed consent statement signed and dated by the person's parent or legal guardian stating that the parent or legal guardian has read and understood certain information before the person can use the facilities. Requires a person 13, 14 or 15, rather than younger than 14, years of age to be accompanied by a parent or legal guardian who must remain at the tanning facility while the person uses the tanning device. Requires a customer's

record kept by a tanning facility for a certain length of time to include 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. Requires an operator to keep an incident log at each tanning facility. Requires the log to be maintained at the tanning facility at least until the third anniversary of the date of an incident. Requires the Board of Health by rule to prescribe the form and content of the log. Requires the log to include certain information. Requires the Texas Department of Health (department) to provide to each applicant for an original or renewal licence a written copy of the Fitzpatrick scale.

SECTION 5. Amends Chapter 145, Health and Safety Code, by adding Section 145.015, as follows:

Sec. 145.015. TOLL-FREE NUMBER. Requires the department 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 6. Amends Chapter 145, Health and Safety Code, by adding Section 145.016, as follows:

Sec. 145.016. DISCLOSURE OF RECORD PROHIBITED; EXCEPTION. Prohibits an operator or other person, except as provided by this section, from disclosing a customer record required by Section 145.008(i). Authorizes an operator or other person to disclose a customer record under certain conditions.

SECTION 7. (a) Effective date: September 1, 2001.

(b) Requires the Texas Board of Health, not later than January 1, 2002, to adopt rules required by Section 145.008, Health and Safety Code, as amended by this Act, and implement the toll-free telephone number required by Section 145.015, Health and Safety Code, as added by this Act.

SUMMARY OF COMMITTEE CHANGES

Amends Engrossed H.B. 663 as follows:

SECTION 4. Adds proposed text relating to the operation of tanning equipment.

SECTION 6. Adds proposed text relating to disclosure of a customer record and redesignates original SECTION 6 as SECTION 7.