

BILL ANALYSIS

Senate Research Center

H.B. 1310
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current requirements for a minor wishing to use a tanning device are confusing and varied depending on the age of the minor. Currently, use of a tanning device is prohibited for a minor under 13 years of age unless the minor has a physician's permission. A minor under 15 years of age is required to be accompanied by a parent or guardian, and a minor between 16 and 17 years of age is required to sign an informed consent statement.

H.B. 1310 prohibits a minor under 16.5 years of age from using a tanning device and a person younger than 18 years of age from using a tanning device unless the person's parent or legal guardian, in person, at the facility, consents in writing for the person to use the device.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 145.008, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 145.008(f), (g), and (i), Health and Safety Code, as follows:

(f) Prohibits a tanning facility, to ensure the proper operation of the tanning equipment, from allowing a person younger than 16.5 years of age, rather than 13 years of age, to use a tanning device and a person younger than 18 years of age to use a tanning device unless the person's parent or legal guardian, in person at the facility, consents in writing for the person to use the device, which may be revoked at any time, rather than unless the facility receives written permission from the person's physician allowing the person to use the device and the person's parent or legal guardian remains at the tanning facility while the person uses the device. Makes nonsubstantive changes.

(g) Requires a person, before any person younger than 18, rather than 16 or 17, years of age uses a tanning facility device for the first time, to give the operator a written informed consent statement signed and dated by the person and the person's parent or legal guardian stating that the person and the parent or legal guardian:

(1) have read and understood the advisory statement issued by the Texas Medical Board (TMB), warning of the dangers of indoor and outdoor tanning and its association with skin cancer, eye damage, and other health risks, provided by the tanning facility, rather than provided warnings given by the tanning facility, consents to the minor's use of a tanning device, and

(2) agree that the minor will use protective eyewear at all times while using the tanning device. Makes nonsubstantive changes. Deletes existing text that, in addition, requires a person 13, 14, or 15 years of age to be accompanied by a parent or legal guardian who is required to remain at the tanning facility while the person uses the tanning device.

(i) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the Texas Board of Health, by rule to prescribe the form and content of the records. Requires that the record include any parent or guardian

consent required under Subsection (f) or any written informed consent statement required to be signed under Subsection (e) (relating to the requirement of a person 18 years of age or older to meet certain conditions before using the device) or (g).

SECTION 2. Requires TMB, not later than January 1, 2010, to adopt the advisory statement required under Section 145.008(g), Health and Safety Code, as amended by this Act, and post the advisory statement on TMB's Internet website in a form that is easily downloaded and printed by a tanning facility owner or operator. Requires the executive commissioner is required to modify as necessary the prescribed form and content for the records required under Section 145.008(i), Health and Safety Code, as amended by this Act.

SECTION 3. (a) Effective date, except as provided by Subsection (b): September 1, 2009.

(b) Effective date, Section 1 of this Act: January 1, 2010.