

## **BILL ANALYSIS**

Senate Research Center  
83R2278 KKR-D

S.B. 329  
By: Huffman  
Health & Human Services  
3/8/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Approximately 70,000 new cases of invasive melanoma, the most dangerous type of skin cancer, are diagnosed in the United States each year. It is one of the most frequently occurring cancers in young adults ages 20 to 30, and it is the main cause of cancer death in women ages 25 to 30.

While melanoma accounts for only three percent of all types of skin cancer, it has the highest death rate and is more likely to spread (metastasize) in the body. It is becoming more common. While cancer incidence rates for certain cancers are decreasing, the incidence rate for melanoma is increasing.

The International Agency for Research on Cancer (IARC), part of the World Health Organization (WHO), has classified ultraviolet-emitting tanning devices such as tanning beds and sunlamps as carcinogenic. Moreover, indoor tanning has been associated with a significant increase in the risk of melanoma.

Under current state law, the minimum age of a person allowed to use a tanning device is 16 and one-half years of age and children younger than 18 years of age are prohibited from using a tanning device unless the child's parent or legal guardian, in person at the facility, consents in writing.

S.B. 329 increases the minimum age of a person allowed to use a tanning device to 18 years of age.

As proposed, S.B. 329 amends current law relating to a prohibition on the use of a tanning facility by a minor.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

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

(e) Requires a person, before a customer, rather than a customer who is 18 years of age or older, uses a tanning facility's tanning device for the first time and each time a person executes or renews a contract to use a tanning facility, to provide photo identification and sign a written statement acknowledging that the person has read and understood the required warnings before using the device and agrees to use protective eyewear.

(f) Provides that, to ensure the proper operation of the tanning equipment, a tanning facility is prohibited from allowing a person younger than 18, rather than 16.5, years of age to use a tanning device. Deletes existing text prohibiting a tanning facility from allowing 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. Makes nonsubstantive changes.

(i) Requires the record of each customer using a tanning device at a tanning facility to include certain information as prescribed by the executive commissioner of the Health and Human Services Commission, by rule, including any written informed consent statement required to be signed under Subsection (e), rather than any parent or guardian consent required under Subsection (f) or any written informed consent statement required to be signed under Subsection (e) or (g).

SECTION 2. Repealer: Section 145.008(g) (relating to informed written consent by a person under 18 years of age), Health and Safety Code.

SECTION 3. Requires a tanning facility, notwithstanding Section 145.008(i) (relating to requirements of a record of each customer using a tanning device), Health and Safety Code, as amended by this Act, to maintain a record of the information required under Sections 145.008(g) (relating to informed written consent by a person under 18 years of age) and (i), Health and Safety Code, as that law existed before the effective date of this Act, for a customer younger than 18 years old until the third anniversary of the date of the customer's last use of a tanning device.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2013.