

AMENDED IN SENATE MARCH 22, 2011

**SENATE BILL**

**No. 746**

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**Introduced by Senator Lieu**

February 18, 2011

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~~An act to amend Section 70.1 of the Labor Code, relating to employment.~~ *An act to amend Section 22706 of the Business and Professions Code, relating to tanning facilities.*

LEGISLATIVE COUNSEL'S DIGEST

SB 746, as amended, Lieu. ~~Employment: Industrial Welfare Commission: membership.~~ *Tanning facilities.*

*Existing law, the Filante Tanning Facility Act of 1988, provides for regulation of tanning facilities by the Department of Consumer Affairs, and a violation of the act is a crime. Existing law prohibits persons under 14 years of age from using an ultraviolet tanning device and prohibits persons between 14 and 18 years of age from using that device without specified consent from a parent or legal guardian.*

*This bill would eliminate that consent option and would prohibit persons under 18 years of age from using an ultraviolet tanning device. By expanding the scope of a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law specifies that the Industrial Welfare Commission, within the Department of Industrial Relations, consists of 2 representatives of~~

~~organized labor who are members of recognized labor organizations, 2 representatives of employers, and one representative of the general public and that the membership must include members of both sexes.~~

~~This bill would make a nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 22706 of the Business and Professions  
2     Code is amended to read:

3     22706. (a) A tanning facility shall:

4         (1) Have an operator present during operating hours who is  
5         sufficiently knowledgeable in the correct operation of the tanning  
6         devices used at the facility so that he or she is able to inform and  
7         assist each customer in the proper use of the tanning devices.

8         (2) Before each use of an ultraviolet tanning device, provide  
9         each customer with properly sanitized protective eyewear that  
10        protects the eye from ultraviolet radiation and allows adequate  
11        vision to maintain balance; and not allow a person to use an  
12        ultraviolet tanning device if that person does not use the protective  
13        eyewear.

14        (3) Show each customer how to use suitable physical aids, such  
15        as handrails and markings on the floor, to maintain proper exposure  
16        distance as recommended by the manufacturer.

17        (4) Use a timer on an ultraviolet tanning device that has an  
18        accuracy of plus or minus 10 percent of any selected timer interval.  
19        The timer shall also be remotely located so that customers cannot  
20        set their own exposure time.

21        (5) Limit each customer using an ultraviolet tanning device to  
22        the maximum exposure time as recommended by the manufacturer.

23        (6) Control the interior temperature of a tanning facility so that  
24        it does not exceed 100 degrees Fahrenheit.

25        (b) (1) Every person who uses a tanning facility shall sign a  
26        written statement acknowledging that he or she has read and  
27        understood the warnings before using the device; and agrees to  
28        use the protective eyewear that the tanning facility provides. The  
29        statement of acknowledgment shall be retained by the tanning  
30        facility until the end of the calendar year at which time each person

1 who is a current customer of the facility shall be required to renew  
2 that acknowledgment.

3 (2) Whenever using a tanning device a person shall use the  
4 protective eyewear that the tanning facility provides.

5 (3) Persons under ~~14~~ 18 years of age are prohibited from using  
6 an ultraviolet tanning device.

7 ~~(4) A tanning facility shall not allow a person between 14 and  
8 18 years of age to use an ultraviolet tanning device unless that  
9 person's parent or legal guardian provides consent. For purposes  
10 of this paragraph, "consent" means that the parent or legal guardian  
11 appears in person at the minor's initial use of an ultraviolet tanning  
12 device within a consecutive 12-month period and signs a written  
13 consent form in the presence of the owner or an employee of the  
14 facility. The minor's parent or legal guardian may withdraw this  
15 consent at any time. Unless so withdrawn, this consent shall be  
16 valid for 12 months from the date the written consent form is signed  
17 and may be renewed annually in accordance with this paragraph.  
18 The written consent form required by this paragraph shall state  
19 that the parent or legal guardian has read and understood the  
20 warnings given by the tanning facility, consents to the minor's use  
21 of an ultraviolet tanning device, and agrees that the minor will use  
22 the protective eyewear that the tanning facility provides.~~

23 ~~(5)~~

24 (4) Proof of age shall be satisfied with a driver's license or other  
25 government issued identification containing the date of birth and  
26 a photograph of the individual.

27 *SEC. 2. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.*

36 ~~SECTION 1. Section 70.1 of the Labor Code is amended to  
37 read:~~

38 ~~70.1. The Industrial Welfare Commission consists of two  
39 representatives of organized labor who are members of recognized  
40 labor organizations, two representatives of employers, and one~~

- 1 representative of the general public. The membership shall include
- 2 members of both sexes.

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