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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH  
SESSION

HOUSE FILE No. 1329

March 29, 2011  
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The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to health; regulating tanning facilities and their use; proposing coding  
1.3 for new law in Minnesota Statutes, chapter 325H; repealing Minnesota Statutes  
1.4 2010, sections 325H.01; 325H.02; 325H.03; 325H.04; 325H.05; 325H.06;  
1.5 325H.07; 325H.08; 325H.09; 325H.10.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [325H.11] DEFINITIONS.

1.8 Subdivision 1. Definitions. For purposes of this chapter, the terms defined in this  
1.9 section have the meanings given unless the context clearly indicates otherwise.

1.10 Subd. 2. Department. "Department" means the Minnesota Department of Health.

1.11 Subd. 3. Fitzpatrick scale. "Fitzpatrick scale" means a scale for classifying a skin  
1.12 type, based on the skin's reaction to the first ten to 45 minutes of sun exposure after the  
1.13 winter season, as follows:

1.14 <u>Skin Type</u>	<u>Sunburning and Tanning History</u>
1.15 <u>1</u>	<u>Always burns easily, never tans</u>
1.16 <u>2</u>	<u>Always burns easily, tans minimally</u>
1.17 <u>3</u>	<u>Burns moderately, tans gradually</u>
1.18 <u>4</u>	<u>Burns minimally, always tans well</u>
1.19 <u>5</u>	<u>Rarely burns, tans profusely</u>
1.20 <u>6</u>	<u>Never burns, deeply pigmented</u>

1.21 Subd. 4. Operator. "Operator" means an individual designated by the licensee to  
1.22 control operation of the tanning facility and to instruct and assist the customer in the  
1.23 proper operation of the tanning equipment.

1.24 Subd. 5. Tanning equipment or device. "Tanning equipment or device" means  
1.25 equipment that emits radiation used for tanning of the skin, such as a sunlamp, tanning

2.1 booth, or tanning bed that emits electromagnetic radiation with wavelengths in the air  
2.2 between 200 and 400 nanometers. The term includes any accompanying equipment,  
2.3 such as protective eyewear, timers, and handrails. The term does not include any of the  
2.4 following:

2.5 (1) phototherapy devices utilized by appropriate health care professionals under the  
2.6 direct supervision of a physician who is trained in the use of phototherapy devices;

2.7 (2) devices used for personal use in a private residence; or

2.8 (3) devices intended for purposes other than the irradiation of human skin.

2.9 Subd. 6. **Tanning facility.** "Tanning facility" means any place where a tanning  
2.10 device is used for a fee, membership dues, or any other compensation.

2.11 Subd. 7. **Ultraviolet radiation.** "Ultraviolet radiation" means electromagnetic  
2.12 radiation with wavelengths between 200 and 400 nanometers.

2.13 Sec. 2. **[325H.12] LICENSURE.**

2.14 Subdivision 1. **License required.** No person shall establish, maintain, operate, or  
2.15 hold itself out as authorized to establish, maintain, or operate a tanning facility without  
2.16 first having obtained a license issued by the department.

2.17 Subd. 2. **Application for license.** A person may apply for a license required under  
2.18 subdivision 1 by submitting an application to the department on a form prescribed by the  
2.19 department. The form must require all of the following information:

2.20 (1) the name, address, and telephone number of the tanning facility and owner;

2.21 (2) the manufacturer, model number, and type of each ultraviolet lamp or tanning  
2.22 device used in the tanning facility;

2.23 (3) the name of the equipment supplier, installer, and service agent of each ultraviolet  
2.24 lamp or tanning device used in the tanning facility;

2.25 (4) a signed and dated certification that the applicant has read and understands  
2.26 the requirements of this chapter;

2.27 (5) a copy of the operating and safety procedures of the tanning facility; and

2.28 (6) any additional information required by the department.

2.29 Subd. 3. **Criteria for licensure.** The department shall issue a license to an applicant  
2.30 upon the department's determination that the applicant meets all of the requirements  
2.31 of this chapter.

2.32 Subd. 4. **License fee.** An applicant must be required to pay an annual license fee  
2.33 of \$500 per salon and \$100 per additional bed over ten.

2.34 Subd. 5. **Posting of license required.** A licensee shall post its license in a location  
2.35 clearly visible to its customers.

3.1           Subd. 6. **Expiration of license.** A license expires annually on the date specified  
3.2 in the license.

3.3           Subd. 7. **License renewal.** A licensee must file an application for license renewal  
3.4 on a form prescribed by the department at least 30 days prior to expiration of its current  
3.5 license.

3.6           Subd. 8. **License nontransferable.** A license shall not be transferable from one  
3.7 person or one tanning facility to another.

3.8           Subd. 9. **Denial, suspension, or revocation of license.** (a) The principles provided  
3.9 in this subdivision apply to the denial, suspension, or revocation of a license.

3.10           (b) The department has the authority to deny, suspend, or revoke licensure for any  
3.11 of the following reasons:

3.12           (1) submission of false statements in applications, reports, plans, or specifications;

3.13           (2) conditions that violate this chapter;

3.14           (3) operation of the tanning facility in a manner that threatens public health or safety;

3.15           (4) failure to allow the department to enter the tanning facility at reasonable hours  
3.16 for inspection or investigation; and

3.17           (5) failure to pay license fees.

3.18           (c) Except in cases involving public health and safety, the department shall, prior to  
3.19 suspension or revocation of a license, provide written notice to the licensee of the facts  
3.20 or conduct which may warrant suspension or revocation and shall provide the licensee  
3.21 with an opportunity to demonstrate or achieve compliance.

3.22           Sec. 3. **[325H.13] INSPECTIONS.**

3.23           Subdivision 1. **Initial and annual inspections.** The department shall conduct an  
3.24 initial inspection, after receipt of an application for a license under section 325H.12,  
3.25 before the license is granted, of a tanning facility and may inspect annually thereafter.

3.26           Subd. 2. **Scope of inspection.** Inspections conducted by the department under this  
3.27 section must encompass all of the following matters:

3.28           (1) the construction and operation of the tanning facility;

3.29           (2) review of required records and training documentation;

3.30           (3) operator understanding and competency; and

3.31           (4) any other matter concerning a requirement of this chapter.

3.32           Subd. 3. **Other inspections.** This section does not limit the department's right to  
3.33 inspect at other times under section 325H.19, or otherwise.

4.1       Sec. 4. **[325H.14] RESTRICTION ON USE OF TANNING FACILITIES BY**  
4.2 **MINORS.**

4.3       An operator or employee of a tanning facility shall not allow an individual who  
4.4 is under 18 years of age to use a tanning device of the facility unless the individual  
4.5 presents a prescription for receiving ultraviolet radiation treatments written by a physician  
4.6 authorized under chapter 147A.

4.7       Sec. 5. **[325H.15] WARNING SIGNS AND STATEMENTS.**

4.8       Subdivision 1. **Warning sign contents.** A tanning facility shall post a warning  
4.9 sign in a place readily visible to persons entering the establishment. The sign shall have  
4.10 dimensions not less than 11 inches by 17 inches. Lettering must be clear, legible, and at  
4.11 least 0.25 inches high, with all of the following provisions on the sign:

4.12       (1) the wording, "DANGER–ULTRAVIOLET RADIATION", in letters at least  
4.13 0.5 inches high;

4.14       (2) follow the manufacturer's instructions for use of this device;

4.15       (3) avoid overexposure. As with natural sunlight, overexposure can cause eye and  
4.16 skin injury and allergic reactions. Repeated exposure to ultraviolet radiation may cause  
4.17 chronic sun damage characterized by wrinkling, dryness, fragility, bruising of the skin,  
4.18 and skin cancer;

4.19       (4) do not sunbathe before or after exposure to ultraviolet radiation from sunlamps;

4.20       (5) wear protective eyewear. Failure to use protective eyewear may result in severe  
4.21 burns or permanent injury to the eyes;

4.22       (6) medications or cosmetics may increase your sensitivity to the ultraviolet  
4.23 radiation. Consult a physician before using a sunlamp if you are using medications, have  
4.24 a history of skin problems, or believe you are especially sensitive to sunlight. Women  
4.25 who are pregnant or are taking oral contraceptives who use this product may develop  
4.26 discolored skin; and

4.27       (7) a customer may call the Minnesota Department of Health at (insert telephone  
4.28 number) to report an alleged injury regarding this tanning facility.

4.29       Subd. 2. **Posting location.** The sign required under subdivision 1 must also be  
4.30 posted within three feet of each tanning device, in a conspicuous location that is readily  
4.31 visible to a person about to use the device, with no obstruction.

4.32       Subd. 3. **Written warning statement required.** Each customer must be provided  
4.33 with a written warning statement requiring the customer's signature prior to initial exposure  
4.34 and before renewals of contracts. The warning statement must include all of the following:

- 5.1 (1) failure to use the eye protection provided to the customer by the tanning facility  
5.2 may result in damage to the eyes;
- 5.3 (2) overexposure to ultraviolet light causes burns;  
5.4 (3) repeated exposure may result in premature aging of the skin and skin cancer;  
5.5 (4) abnormal skin sensitivity or burning may be caused by reactions of ultraviolet  
5.6 light to certain:
- 5.7 (i) foods;  
5.8 (ii) cosmetics; or  
5.9 (iii) medications, including:
- 5.10 (A) tranquilizers;  
5.11 (B) diuretics;  
5.12 (C) antibiotics;  
5.13 (D) high blood pressure medicines; or  
5.14 (E) birth control pills;
- 5.15 (5) any person taking a prescription or over-the-counter drug should consult a  
5.16 physician before using a tanning device;
- 5.17 (6) a person with skin that always burns easily and never tans should avoid a tanning  
5.18 device; and
- 5.19 (7) a person with a family or past medical history of skin cancer should avoid a  
5.20 tanning device.
- 5.21 Subd. 4. **Record keeping and retention required.** A record of each customer  
5.22 using a tanning device must be maintained at the tanning facility at least until the third  
5.23 anniversary of the date of the customer's last use of a tanning device. The record must  
5.24 include:
- 5.25 (1) the date and time of the customer's use of a tanning device;  
5.26 (2) the length of time the tanning device was used;  
5.27 (3) any injury or illness resulting from the use of a tanning device;  
5.28 (4) the customer's skin type, as determined by the customer by using the Fitzpatrick  
5.29 scale for classifying a skin type;
- 5.30 (5) whether the customer has a family history of skin cancer; and  
5.31 (6) whether the customer has a past medical history of skin cancer.
- 5.32 Subd. 5. **Injury reports.** (a) A written or oral report of any tanning injury must  
5.33 be provided to the department by the end of the next working day after its occurrence or  
5.34 upon the tanning facility gaining knowledge of the accident. The report must include the  
5.35 name of the affected individual, the name and location of the tanning facility, the nature of

6.1 the injury, the name and address of a health care provider, if applicable, and any other  
6.2 relevant information.

6.3 (b) The department shall promptly send copies of reports of all injuries to the United  
6.4 States Food and Drug Administration.

6.5 Sec. 6. **[325H.16] OPERATION.**

6.6 Subdivision 1. **Trained operator must be present.** A trained operator must be  
6.7 present when tanning equipment is operated. The operator must be within hearing distance  
6.8 to allow the customer to easily summon help if necessary, or the customer must have  
6.9 access to an intercom or buzzer for the operator, and the operator must be able to reach the  
6.10 customer in 30 seconds.

6.11 Subd. 2. **Manual termination control required.** Tanning equipment must have a  
6.12 control that enables the user to manually terminate radiation without pulling the electrical  
6.13 plug or coming in contact with the ultraviolet lamp.

6.14 Subd. 3. **Customer instruction required.** Operators shall instruct customers with  
6.15 regard to all of the following:

- 6.16 (1) the proper position to maintain relative to the equipment;  
6.17 (2) the position of the safety railing, if applicable;  
6.18 (3) the operation of the manual switching device to terminate radiation; and  
6.19 (4) the maximum time of exposure.

6.20 Subd. 4. **Operators; customer skin type; advice.** Operators must be able to  
6.21 recognize the skin type of the customer based on the Fitzpatrick scale and advise the  
6.22 customer accordingly with regard to maximum time of exposure.

6.23 Subd. 5. **Replacement of bulbs.** At intervals required by the manufacturer, bulbs  
6.24 must be replaced with a kind intended for use in that device or with lamps or filters  
6.25 considered equivalent under United States Food and Drug Administration regulations at  
6.26 the time of manufacture. Licensees shall maintain records of bulb replacements, and the  
6.27 records must be accessible to customers. Licensees must also post dates of bulb changing  
6.28 where visible on every tanning device. The requirements of this subdivision also apply to  
6.29 defective or burned-out lamps or filters.

6.30 Subd. 6. **Contact surfaces; cleansing.** Contact surfaces of tanning devices must  
6.31 be cleansed between uses by the tanning facility with a cleansing agent approved by  
6.32 the department. After each cleansing, a visible sign must be placed on the bed or booth  
6.33 indicating that it has been properly cleaned. Bathrooms and dressing rooms must also be  
6.34 properly sanitized, and customers must be provided with clean towels and washcloths.  
6.35 The department shall adopt rules related to the sanitation standards to be met in each

7.1 tanning salon. These standards must meet the minimum standards for cosmetology salons  
7.2 and barber shops, under chapters 154 and 155A, whichever standards are higher.

7.3 Subd. 7. **Session duration and frequency limited.** Operators shall limit session  
7.4 duration and frequency to maximums recommended by the manufacturer of the tanning  
7.5 device or the bulb, whichever is lower.

7.6 Sec. 7. **[325H.17] PROMOTIONAL MATERIALS.**

7.7 A tanning facility shall not advertise or distribute promotional materials that claim  
7.8 that using a tanning device is safe or free from risk or that the use of a tanning device  
7.9 will result in medical or health benefits. A tanning facility may only claim, or distribute  
7.10 promotional materials that claim, that a tanning device is for cosmetic use only.

7.11 Sec. 8. **[325H.18] EXCLUSIONS.**

7.12 Phototherapy or ultraviolet radiation devices providing therapeutic benefits to  
7.13 patients receiving medically supervised treatment for medical conditions in the office  
7.14 of a health care professional, licensed under chapter 147A, are not subject to sections  
7.15 325H.11 to 325H.20.

7.16 Sec. 9. **[325H.19] INSPECTIONS, VIOLATIONS, AND INJUNCTIONS.**

7.17 (a) The department shall have access at reasonable times to any tanning facility,  
7.18 including its records, to inspect and determine whether a violation of this chapter has  
7.19 or will occur.

7.20 (b) A person who operates a tanning facility in violation of this chapter commits a  
7.21 misdemeanor and is subject to suspension or revocation of the tanning facility's license. A  
7.22 person, other than a customer, who operates or uses a tanning device in violation of this  
7.23 chapter commits a misdemeanor.

7.24 (c) If the department finds a violation of this chapter that creates an immediate  
7.25 threat to the health and safety of the public, the department may suspend or revoke the  
7.26 tanning facility's license to operate.

7.27 (d) The department may take the following steps to enforce the provisions of this  
7.28 chapter:

7.29 (1) cite each section of the chapter violated in writing;

7.30 (2) specify the manner in which the owner, manager, or operator failed to comply  
7.31 with this chapter;

7.32 (3) require the facility to pay a fine for failure to comply with provisions in this  
7.33 chapter, not to exceed \$5,000 for each individual violation;

8.1           (4) require the facility to provide a corrective action plan, including a reasonable  
8.2 time schedule for completion. The department shall review the corrective action plan and  
8.3 may approve or require modification of the plan.

8.4           (e) If a tanning facility fails to comply with conditions of the written notice provided  
8.5 under paragraph (d), the department shall notify the owner, manager, or operator, by  
8.6 certified mail, that unless action is taken within five days of receipt of the written notice,  
8.7 the tanning facility's license will be suspended or revoked.

8.8           Sec. 10. **[325H.20] ADOPTION OF WARNING SIGN.**

8.9           Not later than December 1, 2011, the department shall post the warning statement  
8.10 required under this chapter on the department's Internet Web site in a form that is easily  
8.11 downloaded and printed by a tanning facility owner or operator.

8.12          Sec. 11. **NON-PREEMPTION OF LOCAL REGULATION.**

8.13          This section does not preempt regulation by local governmental units, to the extent  
8.14 the local regulation is stronger.

8.15          Sec. 12. **REPEALER.**

8.16          Minnesota Statutes 2010, sections 325H.01; 325H.02; 325H.03; 325H.04; 325H.05;  
8.17 325H.06; 325H.07; 325H.08; 325H.09; and 325H.10, are repealed effective January  
8.18 1, 2012.

8.19          Sec. 13. **EFFECTIVE DATE.**

8.20          This act is effective January 1, 2012, except that section 10 is effective December 1,  
8.21 2011.



### **325H.01 DEFINITIONS.**

Subdivision 1. **Application.** The definitions in this section apply to sections 325H.01 to 325H.10.

Subd. 2. **Consumer.** "Consumer" means an individual who is provided access to a tanning facility.

Subd. 3. **Individual.** "Individual" means a human being.

Subd. 4. **Operator.** "Operator" means an individual designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct the consumer in the operation and use of, the tanning facility or tanning equipment; however an operator in an apartment or a condominium need not exercise direct supervision or be physically on the premises at all times.

Subd. 5. **Person.** "Person" means an individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

Subd. 6. **Tanning equipment.** "Tanning equipment" means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

Subd. 7. **Tanning facility.** "Tanning facility" means a location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. Tanning facility includes, but is not limited to, tanning salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

Subd. 8. **Ultraviolet radiation.** "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

### **325H.02 REGULATIONS; APPLICABILITY; EXEMPTIONS.**

Subdivision 1. **Regulations; applicability.** A tanning facility in this state must be constructed, operated, and maintained according to sections 325H.01 to 325H.10.

Subd. 2. **Exemptions.** Sections 325H.01 to 325H.10 do not apply to:

- (a) a person who:
  - (1) uses equipment which emits ultraviolet radiation incidental to its normal operation; and
  - (2) does not use the equipment described in clause (1) to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of tanning or other treatment;
- (b) a physician licensed by the Board of Medical Practice who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation; and
- (c) an individual who owns tanning equipment exclusively for personal, noncommercial use.

### **325H.03 STANDARDS FOR TANNING EQUIPMENT.**

Subdivision 1. **Standards for all equipment.** (a) The tanning facility owner or operator must use only tanning equipment manufactured according to Code of Federal Regulations, title 21, part 1040.20. The exact nature of compliance must be based on the standards in effect at the time of manufacture as shown on the device identification label required by Code of Federal Regulations, title 21, part 1010.3.

(b) Each assembly of tanning equipment must be designated for use by only one consumer at a time and must be equipped with a timer that complies with Code of Federal Regulations, title 21, part 1040.20(c)(2). The maximum timer interval may not exceed the manufacturer's maximum recommended exposure time. No timer interval may have an error exceeding plus or minus ten percent of the maximum timer interval for the product.

(c) Tanning equipment must meet the National Fire Protection Association National Electrical Code.

(d) Tanning equipment must include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(e) The tanning facility owner or operator shall replace defective or damaged lamps, bulbs, or filters with a type intended for use in the affected tanning equipment as specified on the product label and having the same spectral distribution.

(f) The tanning facility owner or operator shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at a frequency or after a duration of use as may be recommended by the manufacturer of the lamps and bulbs.

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### Repealed Minnesota Statutes: 11-2753

(g) The tanning facility owner or operator shall maintain a record of when the bulbs or lamps in each tanning booth or bed were replaced according to paragraphs (e) and (f).

(h) Tanning equipment must have a control that enables the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.

(i) The tanning facility operator shall instruct each user on: (1) the proper position to maintain relative to the tanning lamps; (2) the position of the safety railing, where applicable; (3) the manual switching device to terminate radiation; and (4) maximum time of exposure.

(j) The tanning facility operator shall inspect the facility to ensure that the floors are dry before each individual's use, except that, in an apartment or a condominium, the operator may check the facility periodically.

(k) The tanning facility operator shall monitor the use of the facility to ensure that the interior temperature does not exceed 100 degrees Fahrenheit.

(l) The tanning facility operator shall comply with sanitizing procedures specified by the manufacturer of the tanning equipment between users.

Subd. 2. **Standards for stand-up tanning booths.** In addition to the requirements in subdivision 1, tanning booths designed for stand-up use must comply with the following additional requirements:

(1) booths must have physical barriers or other means, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin;

(2) booths must be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling individual;

(3) access to booths must be of rigid construction; and

(4) booths must be equipped with handrails and nonslip floors.

#### **325H.04 PROTECTIVE GOGGLES REQUIRED.**

(a) The tanning facility owner or operator shall provide protective goggles to each consumer for use with the tanning equipment. The protective goggles must meet the requirements of Code of Federal Regulations, title 21, part 1040.20(c)(4).

(b) Tanning facility owners and operators shall require that consumers wear the protective goggles required by this section. The tanning facility owner or operator shall ensure that the protective goggles required by this section are properly sanitized before each use unless the goggles are owned by the consumer, and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide the sanitizing.

#### **325H.05 POSTED WARNING REQUIRED.**

(a) The facility owner or operator shall conspicuously post the warning sign described in paragraph (b) within three feet of each tanning station. The sign must be clearly visible, not obstructed by any barrier, equipment, or other object, and must be posted so that it can be easily viewed by the consumer before energizing the tanning equipment.

(b) The warning sign required in paragraph (a) shall have dimensions not less than eight inches by ten inches, and must have the following wording:

"DANGER - ULTRAVIOLET RADIATION

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.

-Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT  
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight."

#### **325H.06 NOTICE TO CONSUMER.**

The tanning facility owner or operator shall provide each consumer under the age of 18, before initial exposure at the facility, with a copy of the following warning, which must be signed, witnessed, and dated as indicated in the warning:

"WARNING STATEMENT

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This statement must be read and signed by the consumer BEFORE first exposure to ultraviolet radiation for tanning purposes at the below signed facility.

DANGER - ULTRAVIOLET RADIATION WARNING

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.

-Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT  
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

I have read the above warning and understand what it means before undertaking any tanning equipment exposure.

.....  
Signature of Operator of Tanning Facility or  
Equipment

.....  
Signature of Consumer

.....  
Print Name of Consumer

.....  
Date

OR

The consumer is illiterate and/or visually impaired and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.

.....  
Signature of Operator of Tanning Facility or  
Equipment

.....  
Witness

.....  
Date"

**325H.07 RECORDS REQUIRED.**

The tanning facility owner or operator shall maintain a record of each consumer's total number of tanning visits at the facility, and the dates and durations of tanning exposures for a period of three years after exposure. In an apartment or a condominium a record of tokens sold is sufficient.

**325H.08 CONSENT REQUIRED.**

Before allowing the initial exposure at a tanning facility of a person under the age of 16, the owner or operator shall witness the person's parent's or legal guardian's signing and dating of the warning statement required under section 325H.06.

**325H.09 PENALTY.**

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### Repealed Minnesota Statutes: 11-2753

Any person who leases tanning equipment or who owns a tanning facility and who operates or permits the equipment or facility to be operated in noncompliance with the requirements of sections 325H.01 to 325H.08 is guilty of a petty misdemeanor.

#### **325H.10 LOCAL ORDINANCE AUTHORIZATION.**

Sections 325H.01 to 325H.09 do not preempt a local ordinance which provides for more restrictive regulation of tanning facilities than required in sections 325H.01 to 325H.09.