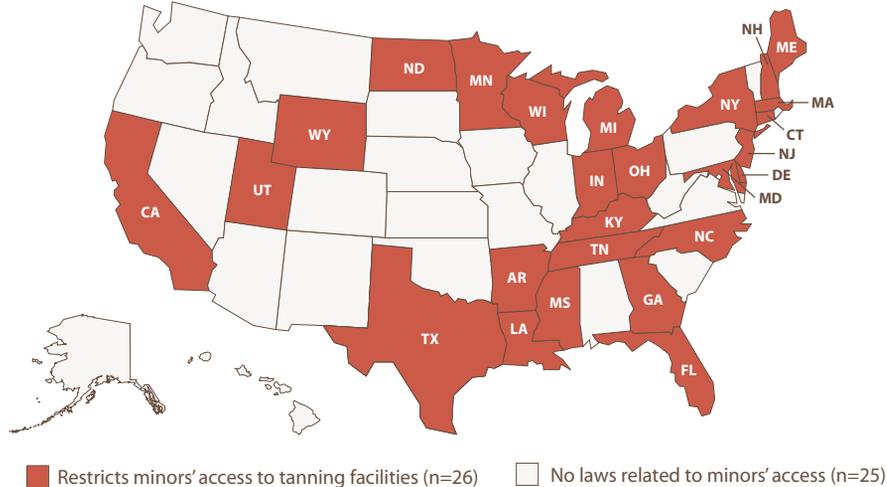




Skin Cancer

States with Laws Addressing Minors' Access to Tanning Facilities

(enacted as of March 31, 2010)



Long-term exposure to ultraviolet rays, either from tanning devices or from the sun, increases the risk of developing skin cancer. A recent study indicates that there is an increased risk for melanoma in people who first used tanning beds in their teens and twenties.¹

Melanoma, the deadliest and most serious form of skin cancer, is expected to cause 8,420 of the almost 9,420 predicted deaths attributed to skin cancer in 2009.^{2,3} Despite these risks, 8.7 percent of youth ages 14 to 17 use indoor tanning devices, and girls in this age group are seven times more likely than their male counterparts to use such devices.⁴ The World Health Organization recommends that access to tanning beds be restricted for those under age 18.⁵

Twenty-six states have enacted laws restricting minors' access to tanning facilities. Of these states, six have enacted bans. **California, Maine, New Jersey, and New York** prohibit minors under age 14 from using tanning facilities, while **Wisconsin** prohibits use by minors under age 16 and **Texas** prohibits use by minors under age 16.5.

Four states prohibit minors from accessing tanning facilities but allow some exceptions for medical treatment. **North Carolina** law prohibits persons under age 13 from using tanning equipment at facilities without a written prescription from their physician that specifies the nature of the condition requiring treatment. Minors under age 14 in **Delaware, New Hampshire, and North Dakota** are prohibited from using tanning facilities unless they provide a written medical order and are accompanied by a parent or guardian.

Twelve states have laws that restrict the use of tanning facilities by minors at specified ages unless the minor is accompanied by a parent or guardian. Twenty-four states have provisions authorizing the use of tanning facilities by minors in specified age ranges with written consent of a parent or guardian. Of these states, 17—**Arkansas,**

California, Delaware, Georgia, Indiana, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New York, North Dakota, Tennessee, Utah, and Wyoming—require that the consent statement be signed at the tanning facility and/or in the presence of the tanning facility operator. **North Dakota and Tennessee** require either an in-person signature by a parent or guardian or, in lieu of parental accompaniment, a notarized consent statement.

Seventeen states require the posting of a warning sign in the facility. Nineteen states address the provision of a warning statement to minors and/or their parent or guardian before the use of a tanning device. Notably, **New Hampshire** law requires that the warning statement be read aloud to the user of the device. **Virginia's** law does not restrict minors' access to tanning facilities. However, the state does require the signature of a parent or guardian on a warning statement for youth under the age of 15.

Twenty-one states have laws that address penalties to tanning facilities for violating the law. Of these states, 11 have provisions addressing license penalties.

1. World Health Organization, International Agency for Research on Cancer. (2006). *Exposure to artificial UV radiation and skin cancer*. Retrieved August 12, 2008, from <http://www.iarc.fr/en/content/download/4497/39839/file/ArtificialUVRad&SkinCancer.pdf>
2. National Cancer Institute. (n.d.). *Skin cancer*. Retrieved May 1, 2010, from <http://www.cancer.gov/cancertopics/types/skin>
3. National Cancer Institute. (n.d.). *Melanoma*. Retrieved May 1, 2010, from <http://www.cancer.gov/cancertopics/types/melanoma>
4. Centers for Disease Control and Prevention. (2006). *Quickstats: Percentage of teens aged 14-17 years who used indoor tanning devices during the preceding 12 months, by sex and age—United States, 2005*. Morbidity and Mortality Weekly Report, 55(40), 1101
5. World Health Organization. (2003). *Artificial tanning sunbeds: Risks and guidance*. Retrieved May 1, 2010, from www.who.int/entity/uv/publications/en/sunbeds.pdf

SCLD contains information synthesized from state-level laws and resolutions. It does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or data addressing the implementation of state laws—all of which may vary significantly from the laws reported herein. Although coverage of Medicaid and Medicare law is not comprehensive, some SCLD records include these data.

Source: National Cancer Institute: State Cancer Legislative Database Program, Bethesda, MD, 2010

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State Laws Addressing Minors' Access to Tanning Facilities (enacted as of March 31, 2010)

State	Age at which use of tanning devices is prohibited	Age at which tanning is allowed under specified conditions			Posting of warning sign required	Written warning statement addressed	Penalty to tanning facility for violation	License penalty addressed	Promulgation of regulations for enforcement/implementation addressed
		Parental accompaniment	Physician authorization	Parental consent					
Alabama									
Alaska									
Arizona									
Arkansas	-	-	-	Under 18*	N	Y			
California	Under 14	-	-	Between 14 and 18*	Y	Y	Infraction for first violation; misdemeanor for subsequent violations; civil penalty of up to \$2,500 per day	N	N
Colorado									
Connecticut	-	-	-	Under 16	N	N	Fine of up to \$100	N	N
Delaware	-	Under 14	Under 14	Between 14 and 18*	N	Y	\$250 fine for first offense; \$500 fine for second offense; \$1000 fine for all subsequent offenses	N	Y
District of Columbia									
Florida	-	Under 14	-	Between 14 and 18	Y	Y	Second degree misdemeanor; possible administrative fine of up to \$1,000 per violation per day	Y	Y
Georgia	-	-	-	Under 18*	Y	N	Misdemeanor; penalty fee of at least \$1,000, punitive damages, court costs, and attorneys' fees	N	N
Hawaii									
Idaho									
Illinois									
Indiana	-	Under 16	-	Under 18*	Y	Y	Class C misdemeanor; fine of up to \$1,000 per day	Y	N
Iowa									
Kansas									
Kentucky	-	Under 14	-	14 through 17	N	Y	Not specified	N	Y
Louisiana	-	Under 14	-	Between 14 and 18*	Y	Y	Injunctive relief	Y	Y
Maine	Under 14	14 and 15	-	14 and Older*					
Maryland	-	-	-	Under 18*	N	N	Civil penalty not to exceed \$250; \$500 for the second violation; \$1,000 for each subsequent violation	N	Y
Massachusetts	-	Under 14	-	14 to 17	Y	Y	Fine of \$200 to \$2,000	Y	Y
Michigan	-	-	-	Under 18*	Y	Y	Not specified	N	N
Minnesota	-	-	-	Under 16*	Y	Y	Petty misdemeanor	N	N
Mississippi	-	Under 14	-	Between 14 and 17*	N	N			
Missouri									
Montana									
Nebraska									
Nevada									
New Hampshire	-	Under 14	Under 14	Under 18*	N	Y	Fine of up to \$250 per day	Y	Y
New Jersey	Under 14	-	-	14 through 17	Y	Y	Fine of \$100 for first offense; fine of \$200 for subsequent offenses	N	Y
New Mexico									
New York	Under 14	-	-	14 to 18*	Y	Y	Civil penalty of up to \$250 (in lieu of license penalty)	Y	Y
North Carolina	-	-	Under 13	-	N	Y	Not specified	N	Y
North Dakota	-	Under 14	Under 14	Under 18*	Y	Y	Class B misdemeanor	Y	Y
Ohio	-	-	-	Under 18	Y	N	Fine of up to \$100 for first violation; up to \$500 for second violation; and up to \$1,000 for subsequent violations	Y	Y
Oklahoma									
Oregon									
Pennsylvania									
Rhode Island									
South Carolina									
South Dakota									
Tennessee	-	Under 14	-	Between 14 and 18*	Y	Y	Class B misdemeanor; fine of up to \$500 per day	N	N
Texas	Under 16.5	-	-	Under 18	Y	Y	Class A misdemeanor; civil penalty of up to \$25,000 per violation per day; injunctive relief	Y	Y
Utah	-	-	-	Under 18*	Y	Y	Class C misdemeanor	Y	N
Vermont									
Virginia					Y	Y†	Class 3 misdemeanor	N	
Washington									
West Virginia									
Wisconsin	Under 16	-	-	-	Y	N	Fine of \$50 to \$250	Y	Y
Wyoming	-	Under 15	-	Between 15 and 18*	N	N	Misdemeanor; fine of not more than \$250	N	N

Key:
 * A parental consent form must be signed at the tanning facility and/or in the presence of the tanning facility operator. ND and TN laws allow a notarized statement signed by a parent or legal guardian in lieu of parental accompaniment.
 † VA requires the signature of a parent or legal guardian on a warning statement for minors under age 15.
 Tanning Device: Equipment that emits electromagnetic radiation wavelengths in the air between 200-400 nanometers, including sunlamps, tanning beds, and tanning booths.
 Phototherapy devices are explicitly excluded in CA, FL, LA, MA, MN, ND, NH, NY, TN, TX, and UT.
 Protective eyewear is required in KY, MI, NY, ND, TN, TX, and UT.
 Source: National Cancer Institute: State Cancer Legislative Database Program, Bethesda, MD, 2010.