

LEGISLATURE OF NEBRASKA
FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 132

A BILL

FOR AN ACT relating to tanning facilities; to adopt the Skin Cancer Prevention Act.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Skin Cancer Prevention Act.

Section 2. For purposes of the Skin Cancer Prevention Act:

(1) Operator means a person designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct in the operation and use of, the tanning facility or tanning equipment;

(2) Tanning equipment means any device that emits electromagnetic radiation with wavelengths in the air between two hundred nanometers and four hundred nanometers and that is used for tanning of the skin. Tanning equipment includes, but is not limited to, a sunlamp, tanning booth, or tanning bed; and

(3) Tanning facility means a location, place, area, structure or business that provides access to tanning equipment. Tanning facility includes, but is not limited to, any tanning salon, health club, apartment or condominium, regardless of whether a fee is charged for access to the tanning equipment.

Section 3. The Skin Cancer Prevention Act does not apply to:

(1) A physician licensed under the Uniform Credentialing Act who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation; or

(2) Any person who owns tanning equipment exclusively for personal, noncommercial use.

Section 4. It shall be unlawful for an operator or an owner or a lessee of a tanning facility to allow any person less than eighteen years old to use tanning equipment at the tanning facility. The operator, owner or lessee shall require proof of age from each person before allowing the person access to tanning equipment. Proof of age shall mean a driver's license or other government-issued identification containing the person's date of birth and photograph or digital image.

Section 5. Any operator or owner or lessee of a tanning facility who allows any person less than eighteen years old to use tanning equipment at the tanning facility shall be guilty of a Class V misdemeanor.

Section 6. (1) An operator or an owner or lessee of a tanning facility shall post a warning sign in a conspicuous location in the tanning facility where it is readily visible by any person entering the tanning facility. The warning sign shall have black letters which are at least one-fourth inch in height.

(2) The warning sign shall include the following information:

DANGER - ULTRAVIOLET RADIATION

Avoid overexposure: It may cause severe burns.

Read instructions carefully.

Ultraviolet radiation causes:

- Skin cancer

- Injury to the eyes and skin

- Skin aging

WEAR PROTECTIVE EYEWEAR TO PREVENT EYE INJURY

Certain medicines or cosmetics can increase your sensitivity to ultraviolet radiation. Consult physician before tanning.

If you do not tan in the sun, you are unlikely to tan from the use of tanning equipment.

It is unlawful for a tanning facility to allow a person under eighteen years of age to use tanning equipment.

Any person may report a violation of the Skin Cancer Prevention Act to any law enforcement agency.