

CHAPTER 365  
FORMERLY  
SENATE BILL NO. 94

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO TANNING FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30D, Title 16, Delaware Code as follows:

§3002D Definitions:

As used in this chapter:

(4) Repealed

(6) "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in the air between 200 and 400 nanometers and that is used for tanning of human skin and any equipment used with that equipment, including but not limited to protective eyewear, timers and handrails. Such term shall not include a phototherapy device used, or prescribed for use, by a physician.

(7) "Tanning facility" means any location, place, area, structure, or business that provides customers access to any tanning device.

(8) "Phototherapy device" means equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.

§ 3003D. Restrictions on use by minors.

(a) A tanning facility shall not permit a minor to use a tanning device

§3004D. Duty.

It shall be the duty of the tanning facility owner to ensure that each customer utilizing the tanning facility is of legal age to do so. The tanning facility owner shall be held responsible for the use of the tanning facility by any minor pursuant to §3003D of this title.

§3005D. Warning signs and statements.

(a) Each tanning facility shall post at least 1 warning sign in a place readily visible to persons entering the facility. Lettering must be clear, legible, and at least ¼ inch in height, unless otherwise provided herein. The sign shall have dimensions not less than 11 inches by 17 inches and shall have the following statements:

(1) "DANGER – ULTRAVIOLET RADIATION", in capital letters at least ½ inch in height;

(2) "Follow the manufacturer's instructions for this device.";

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

(4) "Avoid sunbathing before or after exposure to ultraviolet radiation from sunlamps.";

(5) "Wear protective eyewear. Failure to do so may result in severe burns or permanent injury to the eyes."; and

(6) "Medications or cosmetics may increase sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight."

(b) Each customer shall be provided with a written warning statement prior to each use of the tanning equipment or device. The warning statement shall include the following statements:

(1) "Failure to use eye protection may result in injury to the eyes.";

(2) "Overexposure to ultraviolet light may cause burns.";

(3) "Repeated exposure to ultraviolet light may result in skin cancer and premature aging of the skin.";

(4) "Abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain foods, cosmetics, or medications, including tranquilizers, diuretics, antibiotics, high blood pressure medications, and birth control pills.";

(5) “Anyone taking a prescription or over-the-counter drug should consult a physician before using any tanning equipment or device.”;

§3006D. Penalties.

Notwithstanding any other provision of Delaware law, an owner who violates this chapter shall be guilty of a violation and shall be fined \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and all subsequent offenses.

Section 2. This Act shall take effect on January 1 following its enactment into law.

Approved July 28, 2014