



# SENATE BILL No. 268

January 28, 1993, Introduced by Senators FAXON and SCHWARZ and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding part 134.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding part 134 to read as follows:

4 PART 134. TANNING FACILITIES.

5 SEC. 13401. AS USED IN THIS PART:

6 (A) "PHOTOTHERAPY DEVICE" MEANS EQUIPMENT THAT EMITS ULTRA-  
7 VIOLET RADIATION AND THAT IS USED BY OR UNDER THE DIRECT

1 SUPERVISION OF A HEALTH CARE PROFESSIONAL IN THE TREATMENT OF  
2 DISEASE.

3 (B) "TANNING DEVICE" MEANS EQUIPMENT THAT EMITS ELECTROMAG-  
4 NETIC RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200 AND 400  
5 NANOMETERS AND IS USED FOR TANNING OF THE SKIN. TANNING DEVICE  
6 INCLUDES, BUT IS NOT LIMITED TO, A SUNLAMP, TANNING BOOTH, OR  
7 TANNING BED AND ANY ACCOMPANYING EQUIPMENT INCLUDING, BUT NOT  
8 LIMITED TO, PROTECTIVE EYEWEAR, TIMERS, AND HANDRAILS.

9 (C) "TANNING FACILITY" MEANS A LOCATION, AREA, PLACE, STRUC-  
10 TURE, OR BUSINESS THAT PROVIDES INDIVIDUALS WITH ACCESS TO A TAN-  
11 NING DEVICE. TANNING FACILITY DOES NOT INCLUDE A PRIVATE RESI-  
12 DENCE WITH A TANNING DEVICE IF THE TANNING DEVICE IS USED ONLY BY  
13 AN OWNER OR OCCUPANT OF THE RESIDENCE.

14 SEC. 13403. (1) A PERSON SHALL NOT OWN OR OPERATE A TANNING  
15 FACILITY UNLESS THE TANNING FACILITY IS REGISTERED WITH THE  
16 DEPARTMENT.

17 (2) A PERSON MAY REGISTER A TANNING FACILITY BY SUBMITTING  
18 AN APPLICATION TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE  
19 DEPARTMENT. THE FORM SHALL CONTAIN ALL OF THE FOLLOWING  
20 INFORMATION:

21 (A) THE NAME AND LOCATION OF THE TANNING FACILITY.

22 (B) THE NAME OF THE OWNER OF THE TANNING FACILITY.

23 (C) THE MANUFACTURER, MODEL NUMBER, AND TYPE OF EACH TANNING  
24 DEVICE TO BE USED IN THE TANNING FACILITY. THIS SUBDIVISION DOES  
25 NOT APPLY TO PROTECTIVE EYEWEAR, TIMERS, OR HANDRAILS.

26 (D) IF THE TANNING FACILITY IS MOBILE, THE GEOGRAPHIC AREAS  
27 TO BE COVERED BY THE TANNING FACILITY.

1 (E) THE NAME OF THE SUPPLIER AND THE NAME OF THE INSTALLER  
2 AND THE SERVICE AGENT, IF KNOWN, FOR EACH TANNING DEVICE. THIS  
3 SUBDIVISION DOES NOT APPLY TO PROTECTIVE EYEWEAR, TIMERS, OR  
4 HANDRAILS.

5 (F) A SIGNED, NOTARIZED, AND DATED STATEMENT THAT THE APPLI-  
6 CANT HAS READ AND UNDERSTANDS THIS PART.

7 (G) A COPY OF THE OPERATING AND SAFETY PROCEDURES USED BY  
8 THAT TANNING FACILITY.

9 (H) SUCH OTHER INFORMATION AS THE DEPARTMENT REASONABLY  
10 REQUIRES TO PROTECT THE PUBLIC HEALTH.

11 (3) A REGISTRANT SHALL RENEW A REGISTRATION ON AN ANNUAL  
12 BASIS ON OR BEFORE THE EXPIRATION DATE OF THE CERTIFICATE OF  
13 REGISTRATION. THE DEPARTMENT SHALL MAIL A NOTICE TO THE REGIS-  
14 TRANT ADVISING OF THE DATE OF EXPIRATION, PROCEDURE, AND FEE FOR  
15 RENEWAL. FAILURE OF THE REGISTRANT TO RECEIVE NOTICE UNDER THIS  
16 SUBSECTION DOES NOT RELIEVE THE REGISTRANT OF THE RESPONSIBILITY  
17 FOR RENEWING HIS OR HER REGISTRATION. IF A REGISTRANT DOES NOT  
18 RENEW A REGISTRATION BY THE EXPIRATION DATE, THE REGISTRANT MAY  
19 RENEW THE REGISTRATION WITHIN 30 DAYS AFTER THE EXPIRATION DATE  
20 UPON APPLICATION AND PAYMENT OF RENEWAL AND LATE RENEWAL FEES.

21 THE REGISTRANT MAY CONTINUE TO OPERATE THE TANNING FACILITY  
22 DURING THE 30-DAY TIME PERIOD. IF A REGISTRATION IS NOT RENEWED  
23 WITHIN 30 DAYS OF THE EXPIRATION DATE, THE REGISTRATION IS VOID.

24 (4) THE DEPARTMENT SHALL RENEW THE REGISTRATION OF A TANNING  
25 FACILITY IF THE TANNING FACILITY PAYS THE APPROPRIATE RENEWAL FEE  
26 OR FEES AND CONTINUES TO COMPLY WITH THIS PART AND THE RULES  
27 PROMULGATED UNDER THIS PART.

1 (5) THE EXPIRATION OR SURRENDER OF A REGISTRATION DOES NOT  
2 TERMINATE THE DEPARTMENT'S AUTHORITY TO IMPOSE SANCTIONS ON THE  
3 REGISTRANT WHOSE REGISTRATION HAS EXPIRED OR BEEN SURRENDERED.

4 (6) THE INITIAL REGISTRATION AND ANNUAL RENEWAL FEE IS  
5 \$50.00. THE DEPARTMENT MAY CHARGE AN ADDITIONAL FEE OF UP TO  
6 \$50.00 PER TANNING DEVICE TO COVER THE COST OF INSPECTION AND  
7 REGISTRATION, EXCEPT THAT THE DEPARTMENT SHALL NOT CHARGE AN  
8 ADDITIONAL FEE FOR A TANNING DEVICE CONSISTING OF A SINGLE SUN-  
9 LAMP OR FOR A SINGLE SUNLAMP THAT IS PART OF A TANNING DEVICE FOR  
10 WHICH A FEE HAS BEEN PAID UNDER THIS SUBSECTION.

11 (7) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL DIS-  
12 PLAY A CERTIFICATE OF REGISTRATION ISSUED BY THE DEPARTMENT IN A  
13 CONSPICUOUS PLACE IN THE TANNING FACILITY. THE OWNER OR OPERATOR  
14 OF MORE THAN 1 TANNING FACILITY SHALL OBTAIN A SEPARATE CERTIFI-  
15 CATE OF REGISTRATION FOR EACH TANNING FACILITY.

16 (8) A CERTIFICATE OF REGISTRATION ISSUED UNDER THIS PART IS  
17 NOT TRANSFERABLE.

18 (9) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOTIFY  
19 THE DEPARTMENT OF A CHANGE IN THE APPLICATION INFORMATION  
20 REQUIRED UNDER SECTION 13403(2)(A), (B), (C), (D), OR (G) WITHIN  
21 15 DAYS AFTER THE CHANGE OCCURS. THIS SUBSECTION DOES NOT APPLY  
22 IF EQUIPMENT IS BEING REPLACED WITH EQUIPMENT THAT IS CERTIFIED  
23 AS EQUIVALENT UNDER THE REGULATIONS OF THE FOOD AND DRUG  
24 ADMINISTRATION.

25 SEC. 13405. THIS PART DOES NOT APPLY TO A PHOTOTHERAPY  
26 DEVICE OR TO A TANNING DEVICE THAT IS IN TRANSIT OR STORAGE.

1 SEC. 13407. (1) BEFORE AN INDIVIDUAL USES A TANNING DEVICE  
2 IN A TANNING FACILITY, THE OWNER OR OPERATOR OF THE TANNING  
3 FACILITY SHALL PROVIDE THE INDIVIDUAL WITH A WRITTEN STATEMENT  
4 THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

5 (A) NOT WEARING THE EYE PROTECTION PROVIDED TO THE INDIVID-  
6 UAL BY THE TANNING FACILITY MAY CAUSE DAMAGE TO THE EYES.

7 (B) OVEREXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED BY  
8 THE TANNING DEVICES USED IN THE TANNING FACILITY CAUSES BURNS.

9 (C) REPEATED EXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED  
10 BY THE TANNING DEVICES USED IN THE TANNING FACILITY MAY CAUSE  
11 PREMATURE AGING OF THE SKIN OR SKIN CANCER, OR BOTH.

12 (D) ABNORMAL SKIN SENSITIVITY TO ULTRAVIOLET RADIATION OR  
13 BURNING MAY BE CAUSED BY CERTAIN FOODS, COSMETICS, AND  
14 MEDICATION. THE MEDICATION INCLUDES, BUT IS NOT LIMITED TO, ALL  
15 OF THE FOLLOWING:

16 (i) TRANQUILIZERS.

17 (ii) DIURETICS.

18 (iii) ANTIBIOTICS.

19 (iv) HIGH BLOOD PRESSURE MEDICATION.

20 (v) BIRTH CONTROL MEDICATION.

21 (E) AN INDIVIDUAL WHO IS TAKING A PRESCRIPTION DRUG OR  
22 OVER-THE-COUNTER DRUG SHOULD CONSULT A PHYSICIAN BEFORE USING A  
23 TANNING DEVICE.

24 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL CON-  
25 SPICUOUSLY DISPLAY A POSTER PROVIDED BY THE DEPARTMENT IN AN AREA  
26 FREQUENTED BY CUSTOMERS. THE DEPARTMENT SHALL PRINT THE POSTER

1 IN AT LEAST 32-POINT BOLD TYPE AND IN SUBSTANTIALLY THE FOLLOWING  
2 FORM:

3 DANGER: ULTRAVIOLET RADIATION

4 1. FOLLOW INSTRUCTIONS.

5 2. AVOID TOO FREQUENT OR TOO LENGTHY EXPOSURE. AS WITH NAT-  
6 URAL SUNLIGHT, EXPOSURE CAN CAUSE EYE AND SKIN INJURY AND ALLER-  
7 GIC REACTIONS. REPEATED EXPOSURE MAY CAUSE CHRONIC SUN DAMAGE  
8 CHARACTERIZED BY WRINKLING, DRYNESS, FRAGILITY, AND BRUISING OF  
9 THE SKIN, AND SKIN CANCER.

10 3. WEAR PROTECTIVE EYEWEAR.

11 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE  
12 BURNS AND LONG-TERM INJURY TO THE EYES

13 4. ULTRAVIOLET RADIATION FROM SUNLAMPS WILL INTENSIFY THE  
14 EFFECTS OF THE SUN. THEREFORE, DO NOT SUNBATHE BEFORE OR AFTER  
15 EXPOSURE TO ULTRAVIOLET RADIATION.

16 5. SOME ORAL OR SKIN MEDICATIONS OR COSMETICS MAY INCREASE  
17 YOUR SENSITIVITY TO ULTRAVIOLET RADIATION. CONSULT YOUR PHYSI-  
18 CIAN BEFORE USING A TANNING DEVICE IF YOU ARE USING MEDICATIONS,  
19 HAVE A HISTORY OF SKIN PROBLEMS, OR BELIEVE YOU ARE ESPECIALLY  
20 SENSITIVE TO SUNLIGHT. PREGNANT WOMEN OR WOMEN ON BIRTH CONTROL  
21 PILLS WHO USE THIS TANNING DEVICE MAY DEVELOP DISCOLORED SKIN.

22 6. IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN  
23 FROM USE OF THIS TANNING DEVICE.

24 (3) THE OWNER OR OPERATOR OR AN EMPLOYEE OF A TANNING FACIL-  
25 ITY SHALL NOT CLAIM OR DISTRIBUTE PRINTED PROMOTIONAL MATERIALS  
26 THAT CLAIM OR OTHERWISE ADVERTISE THAT USING A TANNING DEVICE IS  
27 SAFE, NONBURNING, OR FREE FROM RISK OR THAT THE TANNING FACILITY

1 IS REGISTERED UNDER THIS PART OR THAT AN ACTIVITY OF THE TANNING  
2 FACILITY IS APPROVED UNDER A REGISTRATION ISSUED UNDER THIS  
3 PART.

4 (4) COMPLIANCE WITH THIS SECTION DOES NOT DIMINISH OR OTHER-  
5 WISE LIMIT OR ALTER THE LIABILITY OF THE OWNER OR OPERATOR OF A  
6 TANNING FACILITY.

7 SEC. 13409. THE OWNER OR OPERATOR OF A TANNING FACILITY  
8 SHALL DO ALL OF THE FOLLOWING:

9 (A) USE ONLY TANNING DEVICES THAT ARE MANUFACTURED AND CER-  
10 TIFIED TO COMPLY WITH 21 C.F.R. 1040.20.

11 (B) HAVE AT LEAST 1 EMPLOYEE PRESENT DURING BUSINESS HOURS  
12 WHO IS ADEQUATELY TRAINED IN ALL OF THE FOLLOWING AREAS:

13 (i) THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED  
14 UNDER THIS PART.

15 (ii) PROCEDURES FOR CORRECT OPERATION OF THE TANNING DEVICES  
16 USED IN THE TANNING FACILITY.

17 (iii) EMERGENCY PROCEDURES.

18 (C) MAINTAIN A LIST OF EMPLOYEES WHO ARE TRAINED AS  
19 DESCRIBED IN SUBDIVISION (B) AND MAKE A COPY OF THE LIST AVAIL-  
20 ABLE UPON REQUEST TO A CUSTOMER AND TO THE DEPARTMENT.

21 (D) BEFORE EACH USE OF A TANNING DEVICE, MAKE AVAILABLE TO  
22 EACH INDIVIDUAL CUSTOMER PROPERLY SANITIZED PROTECTIVE EYEWEAR  
23 THAT PROTECTS THE EYE FROM ULTRAVIOLET RADIATION, ALLOWS ADEQUATE  
24 VISION TO MAINTAIN BALANCE, AND MEETS THE REQUIREMENTS OF 21  
25 C.F.R. 1040.20.

1 (E) NOT KNOWINGLY ALLOW AN INDIVIDUAL TO USE A TANNING  
2 DEVICE IF THE INDIVIDUAL DOES NOT USE THE PROTECTIVE EYEWEAR  
3 REQUIRED UNDER SUBDIVISION (D).

4 (F) SHOW EACH INDIVIDUAL CUSTOMER HOW TO USE SUITABLE PHYSI-  
5 CAL AIDS, SUCH AS HANDRAILS AND MARKINGS ON THE FLOOR, TO MAIN-  
6 TAIN PROPER EXPOSURE DISTANCE AS RECOMMENDED BY THE MANUFACTURER  
7 OF THE TANNING DEVICE.

8 (G) USE A TIMER FOR EACH TANNING DEVICE THAT HAS AN ACCURACY  
9 OF PLUS OR MINUS 10% OF ANY SELECTED TIMER INTERVAL AND THAT  
10 MEETS THE REQUIREMENTS OF 21 C.F.R. 1040.20.

11 (H) LIMIT EACH CUSTOMER TO THE MAXIMUM EXPOSURE TIME AS REC-  
12 OMMENDED BY THE MANUFACTURER OF THE TANNING DEVICE.

13 (I) CONTROL THE INTERIOR TEMPERATURE OF A TANNING DEVICE SO  
14 THAT IT DOES NOT AT ANY TIME EXCEED 100 DEGREES FAHRENHEIT.

15 (J) BEFORE ALLOWING A CUSTOMER TO USE A TANNING DEVICE,  
16 REQUIRE THE CUSTOMER TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING  
17 THAT THE CUSTOMER HAS READ AND UNDERSTOOD THE WRITTEN STATEMENT  
18 REQUIRED UNDER SECTION 13407(1) AND AGREES TO USE THE PROTECTIVE  
19 EYEWEAR PROVIDED BY THE TANNING FACILITY. THE OWNER OR OPERATOR  
20 OF THE TANNING FACILITY SHALL REQUIRE A CUSTOMER TO SIGN THE  
21 STATEMENT AT LEAST ONCE IN A 1-YEAR PERIOD.

22 (K) RETAIN THE WRITTEN STATEMENT REQUIRED UNDER  
23 SUBDIVISION (J) FOR NOT LESS THAN 1 YEAR.

24 (L) FOR A TANNING DEVICE THAT IS A TANNING BOOTH, ENSURE  
25 THAT THE TANNING DEVICE IS CONSTRUCTED SO THAT IT WILL WITHSTAND  
26 THE STRESS OF USE AND THE IMPACT OF A FALLING PERSON; THAT ACCESS

1 TO THE BOOTH IS OF RIGID CONSTRUCTION; THAT THE DOORS OPEN  
2 OUTWARDLY; AND THAT HANDRAILS AND NONSLIP FLOORS ARE PROVIDED.

3 (M) REPLACE A DEFECTIVE OR BURNED OUT SUNLAMP OR FILTER WITH  
4 A TYPE INTENDED BY THE MANUFACTURER FOR USE IN THE TANNING DEVICE  
5 OR WITH A SUNLAMP OR FILTER THAT IS EQUIVALENT UNDER THE REGULA-  
6 TIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION.

7 (N) ESTABLISH PROCEDURES TO AID EMPLOYEES OF THE TANNING  
8 FACILITY IN RECOGNIZING INJURY OR OVEREXPOSURE, OR BOTH.

9 (O) DISINFECT A TANNING DEVICE AFTER EACH USE.

10 SEC. 13411. (1) BEFORE A MINOR WHO IS 14 YEARS OF AGE OR  
11 OLDER USES A TANNING DEVICE IN A TANNING FACILITY, THE OWNER OR  
12 OPERATOR OF THE TANNING FACILITY SHALL REQUIRE THE PRESENTMENT OF  
13 A STATEMENT SIMILAR TO THE STATEMENT REQUIRED UNDER  
14 SECTION 13409(J) SIGNED BY THE MINOR'S PARENT, LEGAL GUARDIAN, OR  
15 PERSON IN LOCO PARENTIS INDICATING THAT THE PARENT, LEGAL GUARDI-  
16 AN, OR PERSON IN LOCO PARENTIS HAS READ AND UNDERSTOOD THE STATE-  
17 MENT REQUIRED UNDER SECTION 13407(1), CONSENTS TO THE MINOR'S USE  
18 OF A TANNING DEVICE, AND AGREES THAT THE MINOR WILL USE THE PRO-  
19 TECTIVE EYEWEAR PROVIDED BY THE TANNING FACILITY.

20 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOT  
21 ALLOW A MINOR WHO IS LESS THAN 14 YEARS OF AGE TO USE A TANNING  
22 DEVICE IN THE TANNING FACILITY UNLESS THE MINOR IS ACCOMPANIED TO  
23 THE TANNING FACILITY BY A PARENT, LEGAL GUARDIAN, OR PERSON IN  
24 LOCO PARENTIS.

25 (3) AN INDIVIDUAL WHO USES A TANNING DEVICE IN A TANNING  
26 FACILITY SHALL USE THE PROTECTIVE EYEWEAR MADE AVAILABLE BY THE  
27 TANNING FACILITY PURSUANT TO SECTION 13409(D).

1           SEC. 13413. (1) WITHIN 5 WORKING DAYS AFTER THE OWNER OR  
2 OPERATOR OF A TANNING FACILITY RECEIVES NOTICE OF AN INJURY OR  
3 COMPLAINT OF AN INJURY THAT OCCURRED IN THE TANNING FACILITY, HE  
4 OR SHE SHALL REPORT THAT INJURY OR COMPLAINT TO THE DEPARTMENT ON  
5 A FORM PROVIDED BY THE DEPARTMENT. THE DEPARTMENT SHALL TRANSMIT  
6 A COPY OF THE REPORT TO THE INJURED PARTY OR INDIVIDUAL WHO COM-  
7 PLAINS OF AN INJURY AND TO THE FEDERAL FOOD AND DRUG  
8 ADMINISTRATION. THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL  
9 INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING  
10 INFORMATION:

11           (A) THE NAME OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
12 REPORT.

13           (B) THE NAME AND LOCATION OF THE TANNING FACILITY WHERE THE  
14 INCIDENT OCCURRED.

15           (C) THE NATURE OF THE INJURY.

16           (D) THE NAME AND ADDRESS OF THE HEALTH CARE PROVIDER TO WHOM  
17 THE INJURED INDIVIDUAL WAS REFERRED, IF ANY.

18           (E) OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.

19           (2) FOR NOT LESS THAN 5 YEARS, THE OWNER OR OPERATOR OF A  
20 TANNING FACILITY SHALL KEEP A RECORD OF EACH CUSTOMER'S USE OF A  
21 TANNING DEVICE INCLUDING, BUT NOT LIMITED TO, VISITS AND EXPOSURE  
22 TIMES.

23           SEC. 13415. (1) A PERSON WHO HAS A REASONABLE BELIEF THAT  
24 THIS PART OR THE RULES PROMULGATED UNDER THIS PART HAVE BEEN VIO-  
25 LATED MAY FILE A COMPLAINT WITH THE DEPARTMENT.

26           (2) THE DEPARTMENT SHALL INVESTIGATE A COMPLAINT MADE  
27 PURSUANT TO SUBSECTION (1) AND SHALL ENFORCE THIS PART AND THE

1 RULES PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2262(2)  
2 AND 2263. PURSUANT TO SECTION 2235, THE DEPARTMENT MAY CERTIFY A  
3 LOCAL HEALTH DEPARTMENT TO FULFILL THE REQUIREMENTS OF THIS  
4 SUBSECTION. A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS  
5 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL DO SO PURSU-  
6 ANT TO SECTIONS 2461(2) AND 2462.

7 (3) AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR LOCAL  
8 HEALTH DEPARTMENT MAY INSPECT A TANNING FACILITY TO DETERMINE  
9 COMPLIANCE WITH THIS PART. THE REPRESENTATIVE SHALL CONDUCT AN  
10 INSPECTION ONLY DURING BUSINESS HOURS.

11 (4) IF THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT DETER-  
12 MINES THAT A TANNING FACILITY IS NOT OPERATING IN COMPLIANCE WITH  
13 THIS PART OR A RULE PROMULGATED UNDER THIS PART, THE DEPARTMENT  
14 OR A LOCAL HEALTH DEPARTMENT SHALL ISSUE AN ORDER REQUIRING COM-  
15 PLIANCE WITHIN A SPECIFIED PERIOD OF TIME. THE DEPARTMENT OR A  
16 LOCAL HEALTH DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEAR-  
17 ING WITHIN 10 WORKING DAYS AFTER THE ORDER IS ISSUED. THIS SEC-  
18 TION DOES NOT LIMIT ANY OTHER ENFORCEMENT AUTHORITY VESTED IN THE  
19 DEPARTMENT OR A LOCAL HEALTH DEPARTMENT.

20 (5) AFTER PROVIDING AN APPLICANT OR REGISTRANT WITH BOTH A  
21 NOTICE OF INTENT TO DENY, RESTRICT, SUSPEND, OR REVOKE A REGIS-  
22 TRATION AND AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY  
23 DENY, RESTRICT, SUSPEND, OR REVOKE THE REGISTRATION IF THE APPLI-  
24 CANT OR REGISTRANT, OR AN EMPLOYEE OR AGENT OF THE APPLICANT OR  
25 REGISTRANT, DOES 1 OR MORE OF THE FOLLOWING:

26 (A) SUBMITS INCORRECT, FALSE, OR MISLEADING INFORMATION IN  
27 AN APPLICATION FOR REGISTRATION OR RENEWAL UNDER THIS PART.

1 (B) FAILS TO OPERATE AND MAINTAIN A TANNING FACILITY IN  
2 ACCORDANCE WITH AN APPLICATION FOR REGISTRATION OR RENEWAL UNDER  
3 THIS PART.

4 (C) OPERATES A TANNING FACILITY IN A MANNER THAT CREATES A  
5 NUISANCE OR A HAZARD TO THE PUBLIC HEALTH OR SAFETY.

6 (D) VIOLATES A RESTRICTED REGISTRATION.

7 (E) FAILS TO ALLOW AN AUTHORIZED AGENT OF THE DEPARTMENT TO  
8 INSPECT A TANNING FACILITY DURING BUSINESS HOURS AND IN A REASON-  
9 ABLE MANNER.

10 (F) FAILS TO PAY A FINE OR A REGISTRATION, RENEWAL, OR  
11 INSPECTION FEE.

12 (G) VIOLATES THIS PART OR A RULE PROMULGATED UNDER THIS  
13 PART.

14 (6) IN ADDITION TO THE SANCTIONS LISTED IN SUBSECTION (5),  
15 THE DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE FINE OF UP TO \$500.00  
16 FOR A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS  
17 PART OR UNDER ANY OF THE CIRCUMSTANCES LISTED IN SUBSECTION (5).

18 (7) A PERSON WHO VIOLATES THIS PART OR RULES PROMULGATED  
19 UNDER THIS PART IS GUILTY OF A MISDEMEANOR.

20 (8) THIS PART DOES NOT PRECLUDE ANY OTHER REMEDIES AVAILABLE  
21 UNDER THE LAW.

22 SEC. 13417. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLE-  
23 MENT THIS PART.