



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4146 (Substitute S-1 as reported)
Sponsor: Representative Frank Accavitti, Jr.
House Committee: Commerce
Senate Committee: Economic Development and Regulatory Reform

CONTENT

The bill would add Part 134 ("Tanning Facilities") to the Public Health Code to do all of the following:

- Require the owner, operator, or employee of a tanning facility to give a customer written information about the risks of using a tanning device.
- Require a tanning facility to display a poster with information about the risks of using tanning devices.
- Require a customer to sign a statement that he or she received the information about risks; and require the customer's parent or legal guardian also to sign the statement, in the presence of the facility owner or operator, if the customer were under 18.
- Require a tanning facility customer to report an injury suffered while using a tanning device to the facility's owner or operator.
- Specify that, if an individual suffered an injury while using a tanning device and the facility had failed to comply with the bill's disclosure requirements, the injured person could bring an action for actual damages plus up to \$1,000 and actual and reasonable attorney fees.

The bill also would repeal Section 13407 of the Code, which requires the owner or operator of a tanning facility, before allowing a minor to use the facility, to obtain the consent of the minor's parent or legal guardian; and requires a person using a tanning device in a tanning facility to use protective eyewear.

"Tanning facility" would mean a location that provides individuals with access to a tanning device, but would not include a private residence with a tanning device used only by an owner or occupant of the residence. "Tanning device" would mean equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and is used for tanning of the skin, and would include a sunlamp, tanning booth, or tanning bed and accompanying equipment, including protective eyewear, timers, and handrails.

Proposed MCL 333.13401-333.13409

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have little or no fiscal impact on State and local government.

Date Completed: 12-4-08

Fiscal Analyst: Matthew Grabowski