

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

### **ENROLLED**

#### **Committee Substitute**

**for**

#### **House Bill 2520**

BY DELEGATES SUMMERS, ROHRBACH, CRISS, ATKINSON,

HIGGINBOTHAM, BYRD, LOVEJOY, FLEISCHAUER AND

ROWAN

[Passed April 8, 2017; in effect ninety days from passage.]



1 AN ACT to amend and reenact §16-45-3 and §16-45-5 of the Code of West Virginia, 1931, as  
2 amended, relating to prohibiting the use of a tanning device by a person under the age of  
3 eighteen.

*Be it enacted by the Legislature of West Virginia:*

1 That §16-45-3 and §16-45-5 of the Code of West Virginia, 1931, as amended, be amended  
2 and reenacted to read as follows:

**ARTICLE 45. TANNING FACILITIES.**

**§16-45-3. Operation standards.**

1 (a) A tanning facility shall provide to any patron who wishes to use a tanning device located  
2 within its tanning facility a disclosure and consent form relating to use of a tanning device that  
3 contains the current United States Food and Drug Administration warning as follows: "Danger.  
4 Ultraviolet Radiation. Follow instructions. Avoid overexposure. As with natural sunlight,  
5 overexposure can cause eye and skin injury and allergic reactions. REPEATED EXPOSURE  
6 MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER. WEAR PROTECTIVE  
7 EYEWEAR; FAILURE TO DO SO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY  
8 TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation.  
9 Consult physician before using tanning device if you are using medications or have a history of  
10 skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you  
11 are unlikely to tan from use of this product."

12 The disclosure and consent form must have a place for the patron's signature and the  
13 date. A signed and dated copy of the disclosure and consent form shall be maintained by the  
14 tanning facility and remains valid for one year from the date it was signed.

15 (b) All patrons are required to present proof of age prior to use of a tanning device. Proof  
16 of age shall be satisfied with a driver's license or other government-issued identification containing  
17 the date of birth and a photograph of the individual. Persons under the age of eighteen may not  
18 be permitted to use a tanning device.

**§16-45-5. Violations and penalties.**

1           (a) Any owner of a tanning facility who violates the requirements of this article is guilty of  
2 a misdemeanor and, upon conviction thereof, for a first offense, shall be fined \$100.

3           (b) For a second offense, the owner is guilty of a misdemeanor and, upon conviction  
4 thereof, shall be fined not less than \$250 nor more than \$500.

5           (c) For a third offense or subsequent offense, the owner is guilty of a misdemeanor and,  
6 upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2017.

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*Governor*