

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1411
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 1, 2014, with recommendation that the Senate Committee Substitute do pass.

5297S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 577, RSMo, is amended by adding thereto one new
2 section, to be known as section 577.665, to read as follows:

**577.665. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Tanning device", any equipment that emits electromagnetic
4 radiation with wavelengths in the air between two hundred and four
5 hundred nanometers used for tanning of the skin, including but not
6 limited to a sunlamp, tanning booth or tanning bed;**

7 **(2) "Tanning facility", any location, place, area, structure, or
8 business which provides persons access to any tanning device for a fee,
9 membership dues, or any other form of compensation.**

10 **2. Prior to any person less than seventeen years of age using a
11 tanning device in a tanning facility, a parent or guardian of such
12 person shall annually appear in person at the tanning facility and sign
13 a written statement acknowledging that the parent or guardian has
14 read and understands the warnings given by the tanning facility and
15 consents to the person's use of a tanning device at the tanning facility.**

16 **3. The department of health and senior services shall, by rule,
17 develop a standard consent form to be used by all tanning facilities
18 operating in this state. Any rule or portion of a rule, as that term is
19 defined in section 536.010, that is created under the authority delegated
20 in this section shall become effective only if it complies with and is**

21 subject to all of the provisions of chapter 536 and, if applicable, section
22 536.028. This section and chapter 536 are nonseverable and if any of
23 the powers vested with the general assembly pursuant to chapter 536
24 to review, to delay the effective date, or to disapprove and annul a rule
25 are subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2014, shall
27 be invalid and void.

28 4. Any tanning facility that violates the provisions of this section
29 shall be subject to a fine of one hundred dollars for a first violation,
30 two hundred fifty dollars for a second violation, and five hundred
31 dollars for each subsequent violation. Every use of a tanning device in
32 a tanning facility in violation of this section is a separate offense.

33 5. The enforcement of the provisions of this section shall be
34 provided by existing personnel and resources of law enforcement and
35 the department of health and senior services.

36 6. The duties and penalties provided under this section shall not
37 take effect or be enforced until the rule containing the standard
38 consent form has been adopted pursuant to subsection 3 of this section.

✓