



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 173

128th General Assembly  
(As Introduced)

**Reps.** Fende and Combs, Evans, Murray, Letson, Chandler, Hagan, Ujvagi, Domenick, Bubb, Garland, Harwood, Uecker, Brown, Lehner, DeBose

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## BILL SUMMARY

- Changes the definition of "tanning facility," as that term relates to cosmetology, to include a room or booth that houses equipment or beds used for tanning human skin by use of chemicals applied to the skin, thereby bringing establishments that offer that kind of tanning service under the governing authority of the State Board of Cosmetology.
- Prohibits an operator or employee of a tanning facility from allowing an individual who is under 18 years of age to use the tanning services of the facility unless the individual presents a prescription for receiving ultraviolet radiation treatments.
- Eliminates the requirement that the State Board of Cosmetology adopt a rule that requires a consumer who is under 18 years of age to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.

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## CONTENT AND OPERATION

### Regulation of tanning facilities

The State Board of Cosmetology regulates tanning facilities operating in Ohio.<sup>1</sup> A "tanning facility" is defined under current law as a room or booth that houses equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation. The bill adds to that definition rooms or booths housing equipment or beds used for tanning human skin by the use of chemicals

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<sup>1</sup> A person is prohibited from operating a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit issued by the Board. (R.C. 4713.14(Q), not in the bill.)

applied to the skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans. (R.C. 4713.01.) With that change in definition, the bill brings facilities that offer chemical tanning services under the governing authority of the Board.

### **Restriction on minors' use of tanning facilities**

Continuing law requires the State Board of Cosmetology to adopt rules in accordance with the Ohio Administrative Procedure Act (R.C. Chapter 119.) to establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers (R.C. 4713.08(A)(16)). Among the standards the Board must adopt under current law are ones that require a consumer who is under the age of 18 to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services (R.C. 4713.08(A)(16)(f)).

The bill removes the requirement that the Board adopt such a rule (R.C. 4713.08(A)(16)(f)). Instead, the bill prohibits an operator or employee of a tanning facility from allowing an individual who is under 18 years of age to use the tanning services of the facility unless the individual presents a prescription for receiving ultraviolet radiation treatments written by a physician authorized under the Physicians and Limited Practitioners Law (R.C. Chapter 4731.) to practice medicine and surgery or osteopathic medicine and surgery (R.C. 4713.50).<sup>2</sup>

Under continuing law, the Board, in accordance with the Administrative Procedure Act, may deny, revoke, or suspend a person's license or permit issued by the Board or impose a fine against a person for failing to comply with the requirements of the Cosmetologists Law (R.C. Chapter 4713.) or rules adopted under it (R.C. 4713.64(A), not in the bill). Thus, under the bill, the Board could impose any of these sanctions upon a tanning facility operator for allowing an individual who is under 18 years of age to use the tanning services of the facility without the required prescription.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	05-06-09

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<sup>2</sup> It appears that, under the bill, a prescription for receiving ultraviolet radiation treatments would also be required for chemical tanning services.

