



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 173 of the 128th G.A.](#)

Date: May 26, 2009

Status: As Introduced

Sponsor: Reps. Fende and Combs

Local Impact Statement Procedure Required: No — No local cost

Contents: Restricts the use of tanning services for those individuals under 18 years of age

State Fiscal Highlights

- The State Board of Cosmetology might incur some negligible new administrative expenses for overseeing "spray-on" tanning shops. However, most "spray-on" tan services are offered by tanning facilities already under State Board of Cosmetology oversight.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Overview

This bill addresses the use of tanning services by individuals under 18 years of age. Under current law, the State Board of Cosmetology oversees tanning facilities and must adopt rules that establish standards for installing and operating a tanning facility that ensures the health and safety of consumers. Included in these rules is a requirement that consumers under the age of 18 obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services. The bill removes this requirement and instead prohibits operators or employees of tanning facilities from allowing individuals under 18 to use tanning services unless the individual presents a prescription for receiving ultraviolet radiation treatments written by a licensed physician. Under the bill, the definition of "tanning facility" would also include those businesses that offered "spray-on" tans. There are currently approximately 2,320 permitted tanning facilities across the state.

Board of Cosmetology

As the bill changes the definition of "tanning facility" to include businesses that offer "spray-on" tans, the State Board of Cosmetology might incur some new administrative costs for the expanded oversight. Under the bill, the Board would thus have jurisdiction over both spray-on tan equipment in currently licensed tanning facilities and those facilities that provide only spray-on tan services. As the number of spray-on tan facilities is minimal, the bill is likely to have only a negligible impact on operating costs and license revenues.

The bill's age restriction is likely to have no noticeable direct fiscal effect. Under current disciplinary procedures, if an operator or employee of a tanning facility violated the bill by allowing someone under the age of 18 to use tanning services without a doctor's prescription, there would likely be an administrative hearing regarding the alleged violation. Violators may have their license denied, revoked, or suspended or a fine imposed or a combination of both. There is no criminal penalty associated with a violation of the bill's requirement. New investigations or Chapter 119. administrative hearings that might occur as a result of the bill could likely be handled with existing Board resources. It should also be noted that, according to the Board, most of the tanning facility complaints it receives involve sanitation issues rather than problems with minors.

Indirect effects

While there may be no direct state or local government effects, the bill could have an effect on tanning facility patronage. A large number of customers patronize these establishments between February and May. This business is primarily from students preparing for prom activities or for vacations. If the bill were to significantly limit the number of minor customers, some establishments might forego tanning

services. If so, the State Board of Cosmetology could lose some tanning facility permit fees. Nevertheless, the fiscal impact on the Board would likely be minimal, as tanning facility fee revenue comprises only a small percentage of the Board's total biennial revenue. The Board charges fees of \$65 for an original tanning facility permit and \$50 for biennial renewal of that permit. Revenues from tanning licenses and renewals were \$25,646 in FY 2008.

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