



Questions and Answers on Tanning Facilities Requirements to prohibit, restrict, notify and warn consumers

Does the law prohibit or restrict children from using tanning devices in a facility?

Yes. Tanning facility owners and operators are prohibited from allowing minors under 14 years of age to use tanning equipment. For minors 14 to 17 years of age, a parent or legal guardian must sign a written consent form at the tanning facility before the minor may use the equipment.

Is the owner required to warn consumers of the risk posed by ultraviolet radiation emitted by the tanning device?

Yes. The owner shall *clearly* post a warning sign within three feet of each tanning station. The warning sign required in the Code shall use upper and lower case letters which are at least two inches and one inch in height, respectively. The signs must contain the following wording:

DANGER -- ULTRAVIOLET RADIATION

Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product.

MAXIMUM EXPOSURE AT ANY ONE SESSION SHOULD NEVER EXCEED 15 MINUTES.

According to the research and clinical experience of the American Academy of Dermatology, excessive or improper exposure to ultraviolet light can cause harmful changes in the skin and other organs, including skin cancer, cataracts, impairment of the immune system, premature aging, and photosensitivity. These are virtually the same risks associated with outdoor tanning.

Is the operator of the tanning facility required to provide goggles to the consumer?

Yes. The tanning facility owner or operator shall provide protective goggles to each consumer and ensure consumers wear the protective goggles during the use of any tanning equipment. The protective goggles shall meet the requirements of 21 CFR 1040.20(c) (5) and be properly sanitized before each use. The operator shall not rely upon the goggles' exposure to the ultraviolet radiation produced by the tanning equipment to provide sanitization. Also, tanning equipment shall include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

Is the tanning equipment required to have a timer device to warn consumers of the length of their exposure?

Yes. Tanning equipment shall be equipped with a timer which complies with the requirements of 21 CFR 1040.20(c) (2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time.

Are there any restrictions on tanning facility operators advertising medical or health related benefits associated with using a tanning device?

Yes. A tanning facility shall not advertise or distribute promotional materials that claim using a tanning device is safe or free from risk or that the use of a tanning device will result in medical or health benefits. Violation of the provisions of this subsection shall constitute an unfair or deceptive act pursuant to the terms of Part 2 of Article 15 of Chapter 1 of Title 10, the "Fair Business Practices Act of 1975."

Are owners and operators required to document and share information or records of actual or alleged injuries from the use of tanning equipment at a facility?

Yes. The tanning facility owner or operator shall compile a written report of actual or alleged injury from use of tanning equipment within five working days after occurrence or notice by consumer. Such report shall be maintained for a period of not less than three years and shall be available for inspection and copying by any consumer. The report shall include: (1) The name of the affected individual; (2) The name and location of the tanning facility and identification of the specific tanning equipment involved; (3) The nature of the actual or alleged injury; and (4) Any other information relevant to the actual or alleged injury, including the date(s) and duration of exposure.



Questions and Answers on Tanning Facilities New Georgia Code

What Georgia Code regulates the use of tanning facilities in the state?

The Official Code of Georgia Annotated, Title 31 Chapter 38 entitled Tanning Facilities.

Why are tanning facilities now required to register with the state of Georgia?

During the 2010 Georgia legislative session, the Diabetes and Health Improvement Act of 2010 passed and amended Title 31 of the Official Code of Georgia Annotated, relating to health. Specifically, Code section 31-38-4.1 now mandates registration of tanning facilities with the Department of Community Health.

What does the Georgia Code consider to be a tanning facility?

"Tanning facility" is defined as any location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. Tanning facility includes, but is not limited to, tanning salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment. Any individual is exempt from the provisions of this chapter to the extent that such individual owns tanning equipment exclusively for personal, noncommercial use.

How does the Georgia Code define tanning equipment and ultraviolet radiation?

Tanning equipment is defined as ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation. Ultraviolet radiation is defined as electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

Are physicians using medical diagnostic or therapeutic equipment that emit UV radiation exempt from the Code?

Yes. Any physician licensed by the Georgia Composite Medical Board is exempt from the provisions of this chapter if they use, in the practice of medicine, any medical diagnostic and therapeutic equipment which emits ultraviolet radiation.

When are tanning facility operators required to register their facilities with the Department?

The Code states after January 1, 2011, no person shall establish, maintain, or operate a tanning facility without first having registered with the Department.

What information must I provide to the state when I register my facility?

The Code requires the registration application to collect the name, address, telephone number of facility and owner, as well as the model number and type of each ultraviolet lamp used in the tanning facility.

Is there a fee associated with the registration of a tanning facility with the state?

Yes. The Georgia legislature included in the Code an annual registration fee of \$25.00 per tanning facility and an additional registration fee of \$15.00 per tanning device owned, leased, or otherwise used by the tanning facility.

How can an owner or operator contact the Department with questions and/or to request a registration packet?

Georgia Department of Public Health
Environmental Health Section
Phone: (404) 657-6534
Email: environmentalhealth@dph.ga.gov
Website: dph.georgia.gov/environmental-health/tanning