

# HOUSE BILL No. 5276

January 24, 2012, Introduced by Reps. Townsend, Rutledge, Talabi, Brunner, Bauer, Lipton, McCann, Bledsoe, Darany and Hovey-Wright and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 13405 (MCL 333.13405), as added by 2008 PA 368.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13405. (1) Before allowing a customer to use a tanning  
2 device, the owner or operator of any tanning facility shall require  
3 the customer to sign a written statement acknowledging that the  
4 customer has read and understood the written statement required  
5 under section 13403(1) and agrees to use protective eyewear. The  
6 owner or operator of the tanning facility shall do all of the  
7 following:

8           (a) Require a customer to sign the statement at least once in  
9 a 1-year period.

10           (b) Retain the written statement for not less than 1 year.

11           (c) Make the written statement available for inspection upon

1 request of a law enforcement officer.

2 ~~(2) In the case of a customer under 18 years of age, the~~  
3 ~~written statement described in subsection (1) shall also be signed~~  
4 ~~by the customer's parent or legal guardian while the parent or~~  
5 ~~legal guardian is physically present at the tanning facility and~~  
6 ~~shall be signed in the presence of the owner or operator.~~ THE OWNER  
7 OR OPERATOR OF A TANNING FACILITY SHALL NOT ALLOW A MINOR TO USE A  
8 TANNING DEVICE.

9 (3) AN OWNER OR OPERATOR OF A TANNING FACILITY THAT VIOLATES  
10 SUBSECTION (2) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF  
11 NOT MORE THAN \$150.00 FOR EACH VIOLATION. PROOF THAT THE OWNER, THE  
12 OPERATOR, OR AN EMPLOYEE OF THE TANNING FACILITY DEMANDED AND WAS  
13 SHOWN A DRIVER LICENSE OR IDENTIFICATION CARD ISSUED BY THIS OR  
14 ANOTHER STATE, A MILITARY IDENTIFICATION CARD, A PASSPORT, OR OTHER  
15 GOVERNMENT-ISSUED IDENTIFICATION THAT CONTAINS THE NAME, AGE, AND A  
16 PHOTOGRAPH OF THE INDIVIDUAL, AND PROOF THAT THE IDENTIFICATION  
17 INDICATED THAT THE INDIVIDUAL WAS NOT A MINOR, IS A DEFENSE TO AN  
18 ACTION FOR A VIOLATION OF SUBSECTION (2).