

# HOUSE BILL NO. 4205

February 19, 2019, Introduced by Reps. Vaupel, Brixie, Crawford, Coleman and Yaroch 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



DAM



01698'19

1 owner or operator of the tanning facility shall do all of the  
2 following:

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

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

6 (c) Make the written statement available for inspection upon  
7 request of a law enforcement officer.

8 ~~(2) In the case of a customer under 18 years of age, the~~  
9 ~~written statement described in subsection (1) shall also be signed~~  
10 ~~by the customer's parent or legal guardian while the parent or~~  
11 ~~legal guardian is physically present at the tanning facility and~~  
12 ~~shall be signed in the presence of the owner or operator.~~**The owner**  
13 **or operator of a tanning facility shall not allow a minor to use a**  
14 **tanning device.**

15 (3) **An owner or operator of a tanning facility that violates**  
16 **subsection (2) is guilty of a misdemeanor punishable by a fine of**  
17 **not more than \$150.00 for each violation. Proof that the owner, the**  
18 **operator, or an employee of the tanning facility demanded and was**  
19 **shown a driver license or identification card issued by this or**  
20 **another state, a military identification card, a passport, or other**  
21 **government-issued identification that contains the name, age, and a**  
22 **photograph of the individual, and proof that the identification**  
23 **indicated that the individual was not a minor, is a defense to an**  
24 **action for a violation of subsection (2).**

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.

