



pennsylvania

DEPARTMENT OF HEALTH

FREQUENTLY ASKED QUESTIONS REGARDING THE PENNSYLVANIA INDOOR TANNING REGULATION ACT, ACT 41 OF 2014

What is indoor tanning?

Using a tanning bed, booth or sunlamp to get tan is called "indoor tanning."

When does the Indoor Tanning Regulation Act take effect?

The Indoor Tanning Regulation Act, Act 41 of 2014, shall take effect on July 7, 2014.

When will my facility be inspected?

Facility inspections will begin in May 2016. As the date approaches, more information will be made available to the tanning industry.

Who must register?

A legal entity (an individual, corporation, partnership, proprietorship or association) operating a tanning facility must apply for a certificate of registration for each tanning facility location that is operating within the commonwealth.

What is considered a tanning facility?

Any place where a tanning device is used for a fee, membership or any other compensation is considered so. For example, a beauty salon with one tanning bed is considered a tanning facility. In addition, the definition includes gyms, spas or apartment buildings that provide access to tanning equipment, whether or not an additional fee for use is charged.

How does a legal entity register to operate as a tanning facility in the Commonwealth?

The legal entity must complete the Application for Registration available on www.health.pa.gov and must be in compliance with the [Indoor Tanning Regulation Act](#) and [21 CFR 1040.20](#). The legal entity must include the applicable registration fee with the completed application.

How much is registration?

Initial registration or annual renewal registration:

- \$150 (includes first two sun lamp products)
- \$300 for a facility that operates more than two sun lamp products, plus
- \$20.00 for each additional tanning bed in excess of 10
- Change of registration information: No fee required

How can I pay?

The Department of Health (Department) accepts personal and business checks and money orders. Checks are to be made payable to the Pennsylvania Department of Health.

Can I mail the registration?

The completed Application for Registration and applicable fee are to be mailed to:

Bureau of Community Program Licensure and Certification
Pennsylvania Department of Health
Attn: Indoor Tanning Registration
132 Kline Plaza, Suite A
Harrisburg, PA 17104

How often must I register?

It is a yearly registration. The submission for annual renewal of registration must be completed prior to the expiration of the current year's registration.

What if I purchase a new bed in the middle of the registration year?

Register the new equipment at the time of the tanning facility's annual renewal.

What are the requirements of the Indoor Tanning Act besides registration?

A complete copy of the [Indoor Tanning Registration Act](#) is available on the Department's website. By registering as a tanning facility, the Department of Health must have access at reasonable times to any tanning facility, including access to the records of the facility, to determine if the facility is in compliance. The scope of the inspection shall encompass all of the following:

- The operation of the tanning facility;
- Review of required records and training documentation; and
- Operator understanding and competency.

In addition, the tanning facility has other requirements for registration, such as:

- Warning signs and statements describing hazards must be available ([Section 5 part \(a\) of Act 41](#))
- Written warning statement provided to every customer prior to initial exposure. The requirements of the warning statement are provided in Section 5 part (b) of the Indoor Tanning Regulation Act.
- All tanning devices must be manufactured and certified under 21 CRF 1040.20 and be in compliance with federal regulation.

Protective eyewear must be provided at each tanning facility free of charge and must meet the requirements set forth in 21 CFR 1040.20. Eyewear must be sanitized before each use. Ultraviolet rays shall not be considered a sanitizing agent. Customers may also be given the option to use their own compliant eyewear.

- The legal entity must ensure the operator is able to recognize customer skin type based on the Fitzpatrick scale and advise the customer accordingly regarding maximum time of exposure.
- Customer records shall be kept of each customer's total number of tanning visits including the date, time and duration of each. All records or documentation required by the Indoor Tanning Regulation Act shall be maintained at the facility for a minimum of three years. Computer-based records must be backed up on storage media other than the hard drive at least monthly and must be retrievable in printed form.

Are there age restrictions on indoor tanning?

No person who is 16 years of age or younger shall be permitted to use a tanning facility. No person who is 17 years of age, shall be permitted to use a tanning facility without the written authorization of his or her parent or legal guardian.

What is considered a "tanning equipment or device"?

Such equipment is that which emits radiation used for tanning of the skin, such as a sunlamp, tanning booth or tanning bed that emits electromagnetic radiation with wavelengths between 200 and 400 nanometers. The term includes any accompanying equipment, such as protective eyewear, timers and handrails.

This does not include:

- Phototherapy devices providing therapeutic benefits to patients receiving medically supervised treatment prescribed by and under the direct supervision of a licensed health care provider who is trained in the use of phototherapy device;
 - Devices used for personal use in a private residence;
 - Devices intended for purposes other than the irradiation of human skin;
- or
- Devices used to apply chemicals to the skin to achieve a bronze color, commonly referred to as a "spray tan."

What is the Penalty for non-registration?

All indoor tanning facilities within Pennsylvania must register in order to operate within the commonwealth. If an indoor tanning facility knowingly violates the Indoor Tanning Regulation Act they must cease operation within Pennsylvania. If the tanning facility continues to operate unregistered, they will be contacted by the Department of Health's Office of Legal Counsel who will take further action.

How does the Department of Health determine if a minor is tanning?

It is the indoor tanning facility's responsibility to ensure compliance with the Indoor Tanning Regulation Act. Indoor tanning facilities operating within Pennsylvania must develop policies that meet the statutory requirements of the Indoor Tanning Regulation Act.

Does the Department of Health require facilities to ask the age of a consumer?

Section 8 of the Indoor Tanning Regulation Act states that no person who is 16 years of age or younger shall be permitted to use a tanning facility. No person who is 17 years of age shall be permitted to use a tanning facility without the written authorization of that person's parent or legal guardian which indicates that the parent or legal guardian consents to the use of a tanning facility by the person. It is the indoor tanning facility's responsibility to ensure compliance with the Indoor Tanning Regulation Act. Indoor tanning facilities operating within Pennsylvania must develop policies that meet the statutory requirements of the Indoor Tanning Regulation Act.

How many facilities are operating within Pennsylvania?

The Department of Health recognizes that we are trying to reach a broad audience. The law applies not only to retail tanning shops, but also many gyms, beauty salons, apartment buildings and other locations that may offer tanning for a fee. The Department of Health estimates there may be as many as 2000 tanning facilities operating within Pennsylvania.

Why is this Legislation important?

Indoor tanning exposes users to both UV-A and UV-B rays, which damage the skin and can lead to cancer. Using a tanning bed is particularly dangerous for younger users; people who begin tanning younger than age 35 have a 75% greater risk of melanoma. Using tanning beds also increases the risk of wrinkles and eye damage, and changes skin texture. People are obviously free to use tanning services, however; we must insist that they can be harmful. This legislation gives the department the ability to ensure that if people choose to indoor tan, they have a regulated environment to do so.

The act states that an "operator" is to be present at each tanning facility during hours of operation. Who is defined as an operator?

"Operator" is someone who is sufficiently knowledgeable in the operation of tanning devices, including knowledge of the requirements of Section 9 of Act 41 and of 21 CFR 1040.20 and who has completed one of the Department of Health approved training courses that is anticipated to be listed at www.health.pa.gov or a training course provided by the tanning facility that meets the statutory requirements of [Section 9 of Act 41](#) and of [21 CFR 1040.20](#). An operator must be present at each tanning facility during all hours while tanning equipment is in operation and shall inform and assist each customer with the operation and use of the tanning device. No customer may use the tanning equipment in the absence of an operator.

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How do you file a complaint about a tanning facility?

Please call: 1-800-254-5164 to report your complaint.

Questions?

If you need additional assistance or have any questions regarding the registration application, please contact the Bureau of Community Program Licensure and Certification at 717-783-8665.