

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the use of tanning facilities by minors presents a potentially serious public health issue; and

Whereas, the adoption of rules regarding the use of tanning facilities by minors is necessary to protect minors from exposure to ultraviolet radiation prior to the coming summer season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Amend the rules for the use of tanning equipment. Resolved: That the Department of Health and Human Services shall amend the rules for the use of tanning facilities by minors in Rule Chapter 223, Part T as provided in this section. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The rules must:

1. For minors under 14 years of age, prohibit the use of tanning devices;
2. For minors 14 years of age and older:
 - A. Require the tanning facility operator to confirm the identification of the minor and the minor's parent or legal guardian;
 - B. Require the tanning facility to obtain the written consent of the minor's parent or legal guardian and written acknowledgement by the minor and the parent or legal guardian that they have read and understood the information required to be disclosed by Rule Chapter 223, Part T, section 12, paragraph A, subparagraphs (1) and (3). Both written consent and written acknowledgement must be executed in the presence of the operator of the tanning facility;
 - C. Limit the effect of the parent or legal guardian's written consent to one year and allow revocation of consent by the parent or legal guardian at any time; and
 - D. Require the presence of the minor's parent or legal guardian for minors 14 and 15 years of age.

The department shall amend the rules to provide an increase in the licensing fees for tanning facilities to assist in covering the cost of regulation of the facilities; and be it further

Sec. 2 Work group; report. Resolved: That the Department of Health and Human Services shall convene a work group of representatives of operators of tanning facilities and representatives of a statewide consortium active in the prevention and treatment of skin cancer and other interested parties to examine existing rules, training requirements and compliance issues and funding methods and shall report to the Joint Standing Committee on Health and Human Services by January 15, 2010. The department shall provide notification of the dates, times and locations of the meetings of the work group to members of the joint standing committee. The joint standing committee is authorized to submit legislation on the report to the Second Regular Session of the 124th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment is the majority report of the committee and replaces the resolve. It adds emergency language and requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.