

ARTICLE XIV

COMMERCIAL TANNING FACILITIES

14.1.0 - Declaration of Policy

It is hereby declared to be the health policy of the Rockland Health District to assure that owners and operators of tanning facilities operate their premises in such a way as to minimize health hazards.

In this regard, New York State Public Health Law, Article 35-A Ultraviolet Radiation Devices, Part 72, Subpart 72-1, Tanning Facilities, is hereby adopted in its application to Rockland County by reference, as now promulgated or as subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length. In the event of a conflict between this Article and any provision of the New York State Public Health Law, the more stringent provision shall apply. (*Added 7/18/12.)

14.2.0 - Definitions

The following is a list of terms and definitions which will be used in this Article:

14.2.1 Commissioner

The term "**commissioner**" means the Commissioner of the Rockland County Department of Health.

14.2.2 Customer

The term "**customer**" means any individual who enters a tanning facility for the purpose of using an ultraviolet radiation device.

14.2.3 Operator

The term "**operator**" means a person designated by the tanning facility owner or ultraviolet radiation device lessee to operate, or to assist and instruct the customer in the operation and use of, the tanning facility or ultraviolet radiation device. (*Revised 7/18/12.)

14.2.4 Owner

The term "**owner**" means any person who has legal or equitable title to a tanning facility.

14.3.0 - Application Procedures

14.3.1 Prior to the operation of any tanning facility used by the public for a fee or other compensation, the owner or operator shall file an application with the

Rockland County Sanitary Code

Commissioner for a permit to operate such a facility. The application shall be on a form prescribed by the Commissioner.

- 14.3.2 If the owner or operator owns or operates more than one such tanning facility, the owner or operator shall file a separate application for each such facility owned or operated.
- 14.3.3 Within ninety (90) days of receipt of such application, the Commissioner shall complete the initial inspection of the premises of such tanning facility and ensure that the premises and the tanning facilities are installed and will be operated in accordance with the appropriate rules and regulations.
- 14.3.4 Upon submission of the application, and if the initial inspection of the premises indicates that the premises and the tanning facilities are properly installed, the Commissioner shall issue a permit to the owner or operator.

14.4.0 - Facility Use (*Revised 7/18/12.)

14.4.1 The owner or operator of a tanning facility:

- 14.4.1.1 must, whenever open for business have an attendant on duty who is able to inform and assist the public in the proper use of the tanning facility;
- 14.4.1.2 must, monitor the use of the facility to ensure that the interior temperature does not exceed 100° F. (*Added 7/18/12.)

14.5.0 – Warnings

A tanning facility shall post a warning sign at the front or main entrance to the facility and on each ultraviolet radiation device in an area immediately visible to a customer using the device. (*Revised 7/18/12.) The sign shall be clearly visible and legible so that it can be easily viewed by customers, having dimensions not less than 17 inches by 22 inches, and shall read as follows:

"DANGER - ultraviolet radiation. Follow instructions. As with natural sunlight, overexposure can cause eye injury and sunburn; repeated exposure may cause premature aging of the skin and skin cancer. Medications or cosmetics applied to the skin may increase your sensitivity to ultraviolet light. Consult physician before using lamp if taking any medications or if you believe yourself especially sensitive to sunlight."

14.6.0 – Records and Disclosures (*Revised 04/23/2014)

14.6.1 No tanning facility shall be permitted to allow a minor 17 years old to utilize the facilities until the following procedures are met:

Rockland County Sanitary Code

14.6.1.1 On an initial visit, the parent or guardian of every minor aged 17 shall be required to provide the Rockland County form entitled "Consent Form" prior to the use of any ultraviolet radiation device at such facility by such minor, which shall be signed, witnessed and dated prior to the use of any ultraviolet radiation device at such facility and thereafter kept on file by such facility for 3 years. (*Revised 7/18/12.)

14.6.1.2 All minors aged 17 shall, at the first visit of each month thereafter, submit to the tanning facility the form entitled "Consent Form," noting the month and number of visits in that month covered by the consent, and containing an original signature by such minor's parent or legal guardian only. The tanning facility shall carefully compare the signature on all subsequent consent forms to the original form the parent or guardian signed during the first visit to ensure that the signatures are authentic.

14.6.2 A tanning facility shall maintain a record of the use of such facility by each customer, which shall include the dates and durations of each customer's tanning exposures as well as his or her total number of tanning exposures at such facility, or any branch location thereof, for a period of 3 years after exposure.

14.7.0 – Advertising

14.7.1 A tanning facility shall not claim, or distribute promotional materials that claim, that using a ultraviolet radiation device is safe or free from risk. (*Revised 7/18/12.)

14.7.2 A tanning facility shall not advertise or promote special unlimited use of the tanning facilities for reduced fees at special periods of the year and weekends which may encourage customer to be overexposed.

14.8.0 – Fee

A fee shall be charged for each permit issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Rockland County. Payment shall accompany the application for a permit. (*Revised 8/97)

14.9.0 – Effective Date

The effective date of this Article is May 1, 1988. Revised April 16, 2008. Added to, amended and revised July 18, 2012. Revised April 23, 2014.