

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2435

As Amended by House Committee on Health
and Human Services

Brief*

HB 2435 would create the Kansas Tanning Facilities Act (Act) and would prohibit a tanning facility from providing access to a tanning device to any individual under 18 years of age, unless written authorization from a person licensed to practice medicine or surgery was provided. In addition to or in place of disciplinary action presently allowed under statute, the Board of Cosmetology (Board) would have authority to impose fines up to \$250 against a tanning facility licensee for each violation. The Board would be authorized to adopt rules and regulations, as needed, under the Act.

Background

At the hearing before the House Committee on Health and Human Services, testimony in favor of the bill was provided by a surgical oncologist and representative of the Commission on Cancer and by representatives of the American Cancer Society Cancer Action Network, the American Suntanning Association, Celsius Tannery, and Healing Waters Spa. Representatives of the Commission on Cancer and the American Cancer Society Cancer Action Network testified as to the increased rates in melanoma in the U.S. and noted that ultraviolet (UV) light exposure during childhood and teenage years results in a higher risk of developing cancer as an adult, with an increased risk of malignant melanomas before the age of 35. Both representatives noted the World Health Organization's

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

International Agency for Research on Cancer has listed UV radiation and indoor tanning beds as a Class I carcinogen and recommends that minors not be allowed to use them. The representative of the American Cancer Society Cancer Action Network also noted U.S. organizations that support prohibition of tanning device use by minors include the American Academy of Pediatrics, the American Academy of Dermatology, and the American Medical Association.

The representative of the Suntanning Association stated that, according to the World Health Organization, melanoma is more common in indoor workers than in outdoor workers, is increasing much faster in older men than in women, and is most common on parts of the body that do not get regular UV exposure. The Suntanning Association representative stated there are benefits to UV exposure, indicated most of the research into the risk of sunbeds does not actually study tanning salons, and pointed to greater risk factors for melanoma than UV radiation. The representative of Celsius Tannery stated passage of the bill would affect less than four percent of his customer base. Both stated the bill would be a starting point for discussions on the importance of education on sunburn prevention.

Written testimony in favor of the bill was provided by representatives of the Kansas Medical Society and the American Academy of Dermatology Association. There was no opponent testimony.

The House Committee amended the bill to allow minors access to tanning devices in tanning facilities with written authorization from a person licensed in Kansas to practice medicine and surgery.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Board indicates additional revenues would be generated by the fine established in the bill. The amount of additional revenues cannot be estimated, as the Board is unable to estimate the number of violations that would occur if the bill were enacted.

Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.