

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

445N0588

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 208** - 02/14/2007

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Hoerth, Jerstad, Katus, Kloucek, and Maher and Representatives Van Norman, Dennert, Elliott, Feinstein, and Thompson

1 FOR AN ACT ENTITLED, An Act to place certain restrictions on the use of tanning devices
2 by minors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Phototherapy device," equipment that emits ultraviolet radiation and is used in
6 treating disease;

7 (2) "Tanning device," equipment that emits electromagnetic radiation having
8 wavelengths in the air between two hundred and four hundred nanometers and that
9 is used for tanning of human skin and any equipment used with that equipment,
10 including protective eyewear, timers, and handrails. However, the term, tanning
11 device, does not include a phototherapy device used by a physician;

12 (3) "Tanning facility," a place or business that provides persons access to a tanning
13 device.

14 Section 2. No owner or employee of a tanning facility may allow a minor under eighteen



1 years of age to use a tanning device unless the minor provides a written informed consent
2 statement signed and dated by the minor's parent or legal guardian stating that the parent or legal
3 guardian has read and understands the warnings provided by the tanning facility, consents to the
4 minor's use of the tanning device, and agrees that the minor shall use protective eyewear. A
5 violation of this section is a Class 2 misdemeanor.