



# HOUSE BILL No. 5027

September 12, 1995, Introduced by Rep. Jamian and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding part 134.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding part 134 to read as follows:

4 PART 134. TANNING FACILITIES

5 SEC. 13401. AS USED IN THIS PART:

6 (A) "PHOTOTHERAPY DEVICE" MEANS EQUIPMENT THAT EMITS ULTRA-  
7 VIOLET RADIATION AND THAT IS USED BY OR UNDER THE DIRECT  
8 SUPERVISION OF A HEALTH CARE PROFESSIONAL IN THE TREATMENT OF  
9 DISEASE.

1 (B) "TANNING DEVICE" MEANS EQUIPMENT THAT EMITS  
2 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE AIR BETWEEN 200  
3 AND 400 NANOMETERS AND IS USED FOR TANNING OF THE SKIN. TANNING  
4 DEVICE INCLUDES, BUT IS NOT LIMITED TO, A SUNLAMP, TANNING BOOTH,  
5 OR TANNING BED AND ACCOMPANYING EQUIPMENT INCLUDING, BUT NOT  
6 LIMITED TO, PROTECTIVE EYEWEAR, TIMERS, AND HANDRAILS.

7 (C) "TANNING FACILITY" MEANS A LOCATION THAT PROVIDES INDI-  
8 VIDUALS WITH ACCESS TO A TANNING DEVICE. TANNING FACILITY DOES  
9 NOT INCLUDE A PRIVATE RESIDENCE WITH A TANNING DEVICE IF THE TAN-  
10 NING DEVICE IS USED ONLY BY AN OWNER OR OCCUPANT OF THE PRIVATE  
11 RESIDENCE.

12 SEC. 13403. (1) A PERSON SHALL NOT OWN OR OPERATE A TANNING  
13 FACILITY UNLESS THE TANNING FACILITY IS REGISTERED WITH THE  
14 DEPARTMENT.

15 (2) A PERSON MAY REGISTER A TANNING FACILITY BY SUBMITTING  
16 AN APPLICATION TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE  
17 DEPARTMENT. THE FORM SHALL CONTAIN ALL OF THE FOLLOWING  
18 INFORMATION:

19 (A) THE NAME AND LOCATION OF THE TANNING FACILITY.

20 (B) THE NAME OF THE OWNER OF THE TANNING FACILITY.

21 (C) THE MANUFACTURER, MODEL NUMBER, AND TYPE OF EACH TANNING  
22 DEVICE TO BE USED IN THE TANNING FACILITY. THIS SUBDIVISION DOES  
23 NOT APPLY TO A TANNING DEVICE CONSISTING OF PROTECTIVE EYEWEAR,  
24 TIMERS, OR HANDRAILS.

25 (D) IF THE TANNING FACILITY IS MOBILE, THE GEOGRAPHIC AREAS  
26 TO BE COVERED BY THE TANNING FACILITY.

1 (E) THE NAME OF THE SUPPLIER AND THE NAME OF THE INSTALLER  
2 AND THE SERVICE AGENT, IF KNOWN, FOR EACH TANNING DEVICE TO BE  
3 USED IN THE TANNING FACILITY. THIS SUBDIVISION DOES NOT APPLY TO  
4 A TANNING DEVICE CONSISTING OF PROTECTIVE EYEWEAR, TIMERS, OR  
5 HANDRAILS.

6 (F) A SIGNED, NOTARIZED, AND DATED STATEMENT THAT THE APPLI-  
7 CANT HAS READ AND UNDERSTANDS THIS PART.

8 (G) A COPY OF THE OPERATING AND SAFETY PROCEDURES USED BY  
9 THAT TANNING FACILITY.

10 (H) SUCH OTHER INFORMATION AS THE DEPARTMENT REASONABLY  
11 REQUIRES TO PROTECT THE PUBLIC HEALTH.

12 (3) THE INITIAL REGISTRATION AND ANNUAL RENEWAL FEE IS  
13 \$50.00. THE DEPARTMENT MAY CHARGE A TANNING FACILITY AN ADDI-  
14 TIONAL INSPECTION FEE OF UP TO \$50.00 PER TANNING DEVICE TO COVER  
15 THE COST OF INSPECTION AND REGISTRATION, EXCEPT THAT THE DEPART-  
16 MENT SHALL NOT CHARGE AN ADDITIONAL FEE FOR A TANNING DEVICE CON-  
17 SISTING OF A SINGLE SUNLAMP OR FOR A SINGLE SUNLAMP THAT IS PART  
18 OF A TANNING DEVICE FOR WHICH A FEE HAS BEEN PAID UNDER THIS  
19 SUBSECTION. THE DEPARTMENT MAY CHARGE A LATE RENEWAL FEE OF  
20 \$25.00. UPON RECEIPT OF A COMPLETE APPLICATION UNDER  
21 SUBSECTION (2), PAYMENT BY THE APPLICANT OF THE INITIAL REGISTRA-  
22 TION FEE AND ADDITIONAL FEES, IF ANY, IMPOSED UNDER THIS SUBSEC-  
23 TION, AND A DETERMINATION BY THE DEPARTMENT THAT THE APPLICANT IS  
24 IN COMPLIANCE WITH THIS PART AND THE RULES PROMULGATED UNDER THIS  
25 PART, THE DEPARTMENT SHALL ISSUE TO THE APPLICANT A CERTIFICATE  
26 OF REGISTRATION.

1 (4) A REGISTRANT SHALL RENEW A REGISTRATION ON AN ANNUAL  
2 BASIS ON OR BEFORE THE EXPIRATION DATE OF THE CERTIFICATE OF  
3 REGISTRATION. THE DEPARTMENT SHALL MAIL A NOTICE TO THE REGIS-  
4 TRANT ADVISING OF THE DATE OF EXPIRATION, PROCEDURE, AND FEE FOR  
5 RENEWAL. FAILURE OF THE REGISTRANT TO RECEIVE NOTICE UNDER THIS  
6 SUBSECTION DOES NOT RELIEVE THE REGISTRANT OF THE RESPONSIBILITY  
7 FOR RENEWING HIS OR HER REGISTRATION. IF A REGISTRANT DOES NOT  
8 RENEW A REGISTRATION BY THE EXPIRATION DATE, THE REGISTRANT MAY  
9 RENEW THE REGISTRATION WITHIN 30 DAYS AFTER THE EXPIRATION DATE  
10 UPON APPLICATION AND PAYMENT OF RENEWAL AND LATE RENEWAL FEES.  
11 THE REGISTRANT MAY CONTINUE TO OPERATE THE TANNING FACILITY  
12 DURING THE 30-DAY TIME PERIOD. IF A REGISTRATION IS NOT RENEWED  
13 WITHIN 30 DAYS OF THE EXPIRATION DATE, THE REGISTRATION IS VOID.

14 (5) THE DEPARTMENT SHALL RENEW THE REGISTRATION OF A TANNING  
15 FACILITY IF THE TANNING FACILITY PAYS THE APPROPRIATE RENEWAL FEE  
16 AND LATE RENEWAL FEE, IF ANY, AND CONTINUES TO COMPLY WITH THIS  
17 PART AND THE RULES PROMULGATED UNDER THIS PART.

18 (6) THE EXPIRATION OR SURRENDER OF A REGISTRATION DOES NOT  
19 TERMINATE THE DEPARTMENT'S AUTHORITY TO IMPOSE SANCTIONS ON THE  
20 REGISTRANT WHOSE REGISTRATION HAS EXPIRED OR BEEN SURRENDERED.

21 (7) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL DIS-  
22 PLAY A CERTIFICATE OF REGISTRATION ISSUED BY THE DEPARTMENT IN AN  
23 AREA OF THE TANNING FACILITY FREQUENTED BY CUSTOMERS. THE OWNER  
24 OR OPERATOR OF MORE THAN 1 TANNING FACILITY SHALL OBTAIN A SEPA-  
25 RATE CERTIFICATE OF REGISTRATION FOR EACH TANNING FACILITY.

1 (8) A CERTIFICATE OF REGISTRATION ISSUED UNDER THIS PART IS  
2 VALID ONLY FOR THE LOCATION FOR WHICH IT IS ISSUED AND IS NOT  
3 TRANSFERABLE.

4 (9) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOTIFY  
5 THE DEPARTMENT OF A CHANGE IN THE APPLICATION INFORMATION  
6 REQUIRED UNDER SECTION 13403(2)(A), (B), (C), (D), OR (G) WITHIN  
7 15 DAYS AFTER THE CHANGE OCCURS. THIS SUBSECTION DOES NOT APPLY  
8 IF EQUIPMENT IS BEING REPLACED WITH EQUIPMENT THAT IS CERTIFIED  
9 AS EQUIVALENT UNDER THE REGULATIONS OF THE FOOD AND DRUG ADMINIS-  
10 TRATION, AS APPROVED BY THE DEPARTMENT.

11 SEC. 13405. THIS PART DOES NOT APPLY TO A PHOTOTHERAPY  
12 DEVICE OR TO A TANNING DEVICE THAT IS IN TRANSIT OR STORAGE.

13 SEC. 13407. (1) BEFORE ALLOWING AN INDIVIDUAL TO USE A TAN-  
14 NING DEVICE IN A TANNING FACILITY, THE OWNER OR OPERATOR OR AN  
15 EMPLOYEE OF THE TANNING FACILITY SHALL PROVIDE THE INDIVIDUAL  
16 WITH A WRITTEN STATEMENT THAT CONTAINS ALL OF THE FOLLOWING  
17 INFORMATION:

18 (A) NOT WEARING EITHER HIS OR HER OWN EYE PROTECTION OR EYE  
19 PROTECTION MADE AVAILABLE TO THE INDIVIDUAL BY THE TANNING FACIL-  
20 ITY WHILE USING A TANNING DEVICE MAY CAUSE DAMAGE TO THE EYES.

21 (B) OVEREXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED BY  
22 THE TANNING DEVICES USED IN THE TANNING FACILITY CAUSES BURNS.

23 (C) REPEATED EXPOSURE TO THE ULTRAVIOLET RADIATION PRODUCED  
24 BY THE TANNING DEVICES USED IN THE TANNING FACILITY MAY CAUSE  
25 PREMATURE AGING OF THE SKIN OR SKIN CANCER, OR BOTH.

26 (D) ABNORMAL SKIN SENSITIVITY TO ULTRAVIOLET RADIATION OR  
27 BURNING MAY BE CAUSED BY CERTAIN FOODS, COSMETICS, AND

1 MEDICATION. THE MEDICATION INCLUDES, BUT IS NOT LIMITED TO, ALL  
2 OF THE FOLLOWING:

- 3 (i) TRANQUILIZERS.
- 4 (ii) DIURETICS.
- 5 (iii) ANTIBIOTICS.
- 6 (iv) HIGH BLOOD PRESSURE MEDICATION.
- 7 (v) BIRTH CONTROL MEDICATION.

8 (E) AN INDIVIDUAL WHO IS TAKING A PRESCRIPTION DRUG OR  
9 OVER-THE-COUNTER DRUG SHOULD CONSULT A PHYSICIAN BEFORE USING A  
10 TANNING DEVICE.

11 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL CON-  
12 SPICUOUSLY DISPLAY A POSTER PROVIDED BY THE DEPARTMENT IN AN AREA  
13 FREQUENTED BY CUSTOMERS. THE DEPARTMENT SHALL PRINT THE POSTER  
14 IN AT LEAST 32-POINT BOLDFACED TYPE AND IN SUBSTANTIALLY THE FOL-  
15 LOWING FORM:

16 "DANGER: ULTRAVIOLET RADIATION

- 17 1. FOLLOW INSTRUCTIONS.
  - 18 2. AVOID TOO FREQUENT OR TOO LENGTHY EXPOSURE. AS WITH NAT-  
19 URAL SUNLIGHT, EXPOSURE CAN CAUSE EYE AND SKIN INJURY AND ALLER-  
20 GIC REACTIONS. REPEATED EXPOSURE MAY CAUSE CHRONIC SUN DAMAGE  
21 CHARACTERIZED BY WRINKLING, DRYNESS, FRAGILITY, AND BRUISING OF  
22 THE SKIN, AND SKIN CANCER.
  - 23 3. WEAR PROTECTIVE EYEWEAR.
- 24 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE  
25 BURNS AND LONG-TERM INJURY TO THE EYES

1 4. ULTRAVIOLET RADIATION FROM SUNLAMPS WILL INTENSIFY THE  
2 EFFECTS OF THE SUN. THEREFORE, DO NOT SUNBATHE BEFORE OR AFTER  
3 EXPOSURE TO ULTRAVIOLET RADIATION.

4 5. SOME ORAL OR SKIN MEDICATIONS OR COSMETICS MAY INCREASE  
5 YOUR SENSITIVITY TO ULTRAVIOLET RADIATION. CONSULT YOUR PHYSI-  
6 CIAN BEFORE USING A TANNING DEVICE IF YOU ARE USING MEDICATIONS,  
7 HAVE A HISTORY OF SKIN PROBLEMS, OR BELIEVE YOU ARE ESPECIALLY  
8 SENSITIVE TO SUNLIGHT. PREGNANT WOMEN OR WOMEN ON BIRTH CONTROL  
9 PILLS WHO USE THIS TANNING DEVICE MAY DEVELOP DISCOLORED SKIN.

10 6. IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN  
11 FROM USE OF THIS TANNING DEVICE."

12 (3) THE OWNER OR OPERATOR OR AN EMPLOYEE OF A TANNING FACIL-  
13 ITY SHALL NOT CLAIM OR DISTRIBUTE PRINTED PROMOTIONAL MATERIALS  
14 THAT CLAIM OR OTHERWISE ADVERTISE THAT USING A TANNING DEVICE IS  
15 SAFE, NONBURNING, OR FREE FROM RISK OR THAT THE TANNING FACILITY  
16 IS REGISTERED UNDER THIS PART OR THAT AN ACTIVITY OF THE TANNING  
17 FACILITY IS APPROVED UNDER A REGISTRATION ISSUED UNDER THIS  
18 PART.

19 (4) COMPLIANCE WITH THIS SECTION DOES NOT DIMINISH OR OTHER-  
20 WISE LIMIT OR ALTER THE LIABILITY OF THE OWNER OR OPERATOR OF A  
21 TANNING FACILITY.

22 SEC. 13409. THE OWNER OR OPERATOR OF A TANNING FACILITY  
23 SHALL DO ALL OF THE FOLLOWING:

24 (A) USE ONLY TANNING DEVICES THAT ARE MANUFACTURED AND CER-  
25 TIFIED TO COMPLY WITH 21 C.F.R. 1040.20.

26 (B) HAVE AT LEAST 1 EMPLOYEE PRESENT DURING BUSINESS HOURS  
27 WHO IS ADEQUATELY TRAINED IN ALL OF THE FOLLOWING AREAS:

1 (i) THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED  
2 UNDER THIS PART.

3 (ii) PROCEDURES FOR CORRECT OPERATION OF THE TANNING DEVICES  
4 USED IN THE TANNING FACILITY.

5 (iii) EMERGENCY PROCEDURES.

6 (C) MAINTAIN A LIST OF EMPLOYEES WHO ARE TRAINED AS  
7 DESCRIBED IN SUBDIVISION (B) AND MAKE A COPY OF THE LIST AVAIL-  
8 ABLE UPON REQUEST TO A CUSTOMER AND TO THE DEPARTMENT.

9 (D) BEFORE EACH USE OF A TANNING DEVICE, MAKE AVAILABLE FOR  
10 USE OR SALE TO EACH INDIVIDUAL CUSTOMER OR ENSURE THAT THE CUS-  
11 TOMER IS IN POSSESSION OF PROPERLY SANITIZED PROTECTIVE EYEWEAR  
12 THAT PROTECTS THE EYE FROM ULTRAVIOLET RADIATION, ALLOWS ADEQUATE  
13 VISION TO MAINTAIN BALANCE, AND MEETS THE REQUIREMENTS OF 21  
14 C.F.R. 1040.20.

15 (E) NOT KNOWINGLY ALLOW AN INDIVIDUAL TO USE A TANNING  
16 DEVICE IF THE INDIVIDUAL DOES NOT USE PROTECTIVE EYEWEAR THAT  
17 MEETS THE REQUIREMENTS OF SUBDIVISION (D).

18 (F) SHOW EACH INDIVIDUAL CUSTOMER HOW TO USE SUITABLE PHYSI-  
19 CAL AIDS, SUCH AS HANDRAILS AND MARKINGS ON THE FLOOR, TO MAIN-  
20 TAIN PROPER EXPOSURE DISTANCE AS RECOMMENDED BY THE MANUFACTURER  
21 OF THE TANNING DEVICE.

22 (G) USE A TIMER FOR EACH TANNING DEVICE THAT HAS AN ACCURACY  
23 OF PLUS OR MINUS 10% OF ANY SELECTED TIMER INTERVAL AND THAT  
24 MEETS THE REQUIREMENTS OF 21 C.F.R. 1040.20.

25 (H) LIMIT EACH CUSTOMER TO THE MAXIMUM EXPOSURE TIME AS REC-  
26 OMMENDED BY THE MANUFACTURER OF THE TANNING DEVICE.

1 (I) CONTROL THE INTERIOR TEMPERATURE OF A TANNING DEVICE SO  
2 THAT IT DOES NOT AT ANY TIME EXCEED 100 DEGREES FAHRENHEIT.

3 (J) BEFORE ALLOWING A CUSTOMER TO USE A TANNING DEVICE,  
4 REQUIRE THE CUSTOMER TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING  
5 THAT THE CUSTOMER HAS READ AND UNDERSTOOD THE WRITTEN STATEMENT  
6 REQUIRED UNDER SECTION 13407(1) AND AGREES TO USE EITHER HIS OR  
7 HER OWN PROTECTIVE EYEWEAR OR THE PROTECTIVE EYEWEAR MADE AVAIL-  
8 ABLE BY THE TANNING FACILITY. THE OWNER OR OPERATOR OF THE TAN-  
9 NING FACILITY SHALL REQUIRE A CUSTOMER TO SIGN THE STATEMENT AT  
10 LEAST ONCE IN A 1-YEAR PERIOD.

11 (K) RETAIN THE WRITTEN STATEMENT REQUIRED UNDER  
12 SUBDIVISION (J) FOR NOT LESS THAN 1 YEAR AND MAKE IT AVAILABLE  
13 FOR INSPECTION UPON REQUEST OF THE DEPARTMENT.

14 (L) FOR A TANNING DEVICE THAT IS A TANNING BOOTH, ENSURE  
15 THAT THE TANNING DEVICE IS CONSTRUCTED SO THAT IT WILL WITHSTAND  
16 THE STRESS OF USE AND THE IMPACT OF A FALLING PERSON; THAT ACCESS  
17 TO THE BOOTH IS OF RIGID CONSTRUCTION; THAT THE DOORS OPEN OUT-  
18 WARDLY; AND THAT HANDRAILS AND NONSLIP FLOORS ARE PROVIDED.

19 (M) REPLACE A DEFECTIVE OR BURNED OUT SUNLAMP OR FILTER WITH  
20 A TYPE INTENDED BY THE MANUFACTURER FOR USE IN THE TANNING DEVICE  
21 OR WITH A SUNLAMP OR FILTER THAT IS EQUIVALENT UNDER THE REGULA-  
22 TIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION.

23 (N) ESTABLISH PROCEDURES TO AID EMPLOYEES OF THE TANNING  
24 FACILITY IN RECOGNIZING INJURY OR OVEREXPOSURE, OR BOTH.

25 (O) DISINFECT A TANNING DEVICE AFTER EACH USE.

26 SEC. 13411. (1) BEFORE ALLOWING A MINOR WHO IS 14 YEARS OF  
27 AGE OR OLDER TO USE A TANNING DEVICE IN A TANNING FACILITY, THE

1 OWNER OR OPERATOR OF THE TANNING FACILITY SHALL REQUIRE THE  
2 PRESENTMENT OF A STATEMENT SIMILAR TO THE STATEMENT REQUIRED  
3 UNDER SECTION 13409(J) SIGNED BY THE MINOR'S PARENT, LEGAL GUARD-  
4 IAN, OR PERSON IN LOCO PARENTIS INDICATING THAT THE PARENT, LEGAL  
5 GUARDIAN, OR PERSON IN LOCO PARENTIS HAS READ AND UNDERSTOOD THE  
6 STATEMENT REQUIRED UNDER SECTION 13407(1), CONSENTS TO THE  
7 MINOR'S USE OF A TANNING DEVICE, AND AGREES THAT THE MINOR WILL  
8 USE EITHER HIS OR HER OWN PROTECTIVE EYEWEAR OR THE PROTECTIVE  
9 EYEWEAR MADE AVAILABLE BY THE TANNING FACILITY.

10 (2) THE OWNER OR OPERATOR OF A TANNING FACILITY SHALL NOT  
11 ALLOW A MINOR WHO IS LESS THAN 14 YEARS OF AGE TO USE A TANNING  
12 DEVICE IN THE TANNING FACILITY UNLESS THE MINOR IS ACCOMPANIED TO  
13 THE TANNING FACILITY BY A PARENT, LEGAL GUARDIAN, OR PERSON IN  
14 LOCO PARENTIS AND THE PARENT, LEGAL GUARDIAN, OR PERSON IN LOCO  
15 PARENTIS SIGNS A STATEMENT IN THE SAME MANNER AS REQUIRED UNDER  
16 SUBSECTION (1).

17 (3) AN INDIVIDUAL WHO USES A TANNING DEVICE IN A TANNING  
18 FACILITY SHALL USE EITHER HIS OR HER OWN PROTECTIVE EYEWEAR OR  
19 THE PROTECTIVE EYEWEAR MADE AVAILABLE BY THE TANNING FACILITY,  
20 PURSUANT TO SECTION 13409(D).

21 SEC. 13413. (1) WITHIN 5 WORKING DAYS AFTER THE OWNER OR  
22 OPERATOR OF A TANNING FACILITY RECEIVES NOTICE OF AN INJURY THAT  
23 IS ALLEGED TO HAVE OCCURRED IN THE TANNING FACILITY, HE OR SHE  
24 SHALL REPORT THAT INJURY OR COMPLAINT TO THE DEPARTMENT ON A FORM  
25 PROVIDED BY THE DEPARTMENT. THE DEPARTMENT SHALL TRANSMIT A COPY  
26 OF THE REPORT TO THE PARTY GIVING NOTICE OF THE INJURY AND TO THE  
27 FEDERAL FOOD AND DRUG ADMINISTRATION. THE REPORTING FORM

1 REQUIRED UNDER THIS SUBSECTION SHALL CONTAIN AT LEAST ALL OF THE  
2 FOLLOWING INFORMATION:

3 (A) THE NAME OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
4 REPORT.

5 (B) THE NAME AND LOCATION OF THE TANNING FACILITY WHERE THE  
6 INCIDENT OCCURRED.

7 (C) THE NATURE OF THE INJURY.

8 (D) THE NAME AND ADDRESS OF THE HEALTH CARE PROVIDER TO WHOM  
9 THE INJURED INDIVIDUAL WAS REFERRED, IF ANY.

10 (E) OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.

11 (2) FOR NOT LESS THAN 5 YEARS, THE OWNER OR OPERATOR OF A  
12 TANNING FACILITY SHALL KEEP A RECORD OF EACH CUSTOMER'S USE OF A  
13 TANNING DEVICE INCLUDING, BUT NOT LIMITED TO, VISITS AND EXPOSURE  
14 TIMES.

15 SEC. 13415. (1) A PERSON WHO HAS A REASONABLE BELIEF THAT  
16 THIS PART OR THE RULES PROMULGATED UNDER THIS PART HAVE BEEN VIO-  
17 LATED MAY FILE A COMPLAINT WITH THE DEPARTMENT.

18 (2) THE DEPARTMENT SHALL INVESTIGATE A COMPLAINT MADE PURSU-  
19 ANT TO SUBSECTION (1) AND SHALL ENFORCE THIS PART AND THE RULES  
20 PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2262(2) AND  
21 2263. PURSUANT TO SECTION 2235, THE DEPARTMENT MAY CERTIFY A  
22 LOCAL HEALTH DEPARTMENT TO FULFILL THE REQUIREMENTS OF THIS  
23 SUBSECTION. A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS  
24 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL DO SO PURSU-  
25 ANT TO SECTIONS 2461(2) AND 2462.

26 (3) AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR A  
27 LOCAL HEALTH DEPARTMENT MAY INSPECT A TANNING FACILITY TO

1 DETERMINE COMPLIANCE WITH THIS PART DURING REGULAR BUSINESS  
2 HOURS.

3 (4) IF THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT DETER-  
4 MINES THAT A TANNING FACILITY IS NOT OPERATING IN COMPLIANCE WITH  
5 THIS PART OR A RULE PROMULGATED UNDER THIS PART, THE DEPARTMENT  
6 OR LOCAL HEALTH DEPARTMENT SHALL ISSUE AN ORDER REQUIRING COMPLI-  
7 ANCE WITHIN A SPECIFIED PERIOD OF TIME. THE DEPARTMENT OR A  
8 LOCAL HEALTH DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEAR-  
9 ING WITHIN 10 WORKING DAYS AFTER THE ORDER IS ISSUED. THIS SEC-  
10 TION DOES NOT LIMIT ANY OTHER ENFORCEMENT AUTHORITY VESTED IN THE  
11 DEPARTMENT OR A LOCAL HEALTH DEPARTMENT.

12 (5) AFTER PROVIDING AN APPLICANT OR REGISTRANT WITH BOTH A  
13 NOTICE OF INTENT TO DENY, RESTRICT, SUSPEND, OR REVOKE A REGIS-  
14 TRATION AND AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY  
15 DENY, RESTRICT, SUSPEND, OR REVOKE THE REGISTRATION IF THE APPLI-  
16 CANT OR REGISTRANT, OR AN EMPLOYEE OR AGENT OF THE APPLICANT OR  
17 REGISTRANT, DOES 1 OR MORE OF THE FOLLOWING:

18 (A) SUBMITS INCORRECT, FALSE, OR MISLEADING INFORMATION IN  
19 AN APPLICATION FOR REGISTRATION OR RENEWAL UNDER THIS PART.

20 (B) FAILS TO OPERATE AND MAINTAIN A TANNING FACILITY IN  
21 ACCORDANCE WITH THE INFORMATION CONTAINED IN AN APPLICATION FOR  
22 REGISTRATION OR RENEWAL UNDER THIS PART.

23 (C) OPERATES A TANNING FACILITY IN A MANNER THAT CREATES A  
24 NUISANCE OR A HAZARD TO THE PUBLIC HEALTH OR SAFETY.

25 (D) VIOLATES A RESTRICTION CONTAINED IN A RESTRICTED  
26 REGISTRATION.

1 (E) FAILS TO ALLOW AN AUTHORIZED REPRESENTATIVE OF THE  
2 DEPARTMENT OR A LOCAL HEALTH DEPARTMENT TO INSPECT A TANNING  
3 FACILITY DURING REGULAR BUSINESS HOURS.

4 (F) FAILS TO PAY A FINE OR A REGISTRATION, RENEWAL, LATE  
5 RENEWAL, OR INSPECTION FEE.

6 (G) VIOLATES THIS PART OR A RULE PROMULGATED UNDER THIS  
7 PART.

8 (6) IN ADDITION TO THE SANCTIONS LISTED IN SUBSECTION (5),  
9 THE DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE FINE OF UP TO \$500.00  
10 UNDER 1 OR MORE OF THE CIRCUMSTANCES LISTED IN SUBSECTION (5).

11 (7) A PERSON WHO VIOLATES THIS PART OR A RULE PROMULGATED  
12 UNDER THIS PART IS GUILTY OF A MISDEMEANOR.

13 (8) THIS PART DOES NOT PRECLUDE OTHER REMEDIES AVAILABLE  
14 UNDER THE LAW.

15 SEC. 13417. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLE-  
16 MENT THIS PART.