

**TOWN OF MASHPEE
BOARD OF HEALTH**

TANNING REGULATION

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3.1 PURPOSE

The purpose of this regulation is to provide a greater degree of protection to the health and welfare of children under the age of eighteen (18) when they are exposed to ultra-violet radiation. Scientific data suggests these measures are necessary. The United States Department of Health and Human Services has classified exposure to sun lamps or tanning beds as “known to be carcinogenic to humans’ and states the longer the exposure, the greater the risk, especially to people exposed before the age of 30 years.” Further, the American Academy of Dermatology Association (AADA) has stated: “with the rising incidence of melanoma and non-melanoma skin cancer in the United States, and the scientific evidence incriminating the use of tanning equipment for non-medical purposes, the AADA encourages the implementation of state and local legislation regulating tanning parlors...Unless and until the FDA bans the sale and use of tanning equipment for non-medical purposes, the AADA supports the following requirements for indoor tanning facilities: No minor should be permitted to use tanning devices.”

3.2 AUTHORITY

In accordance with Massachusetts General Law Chapter 111, Section 31 and Chapter 127A, the Mashpee Board of Health hereby adopts the following regulation to supplement the provisions

PART XVI, SECTION 3.00 – **Tanning Regulation**

of the State Public Health Code as it relates to Tanning Facilities set forth at General Law Chapter 111 section 207, et seq... and 105 CMR 123.000, et seq.

3.3 DEFINITIONS

For the purpose of this regulation, the following words shall have the following meanings:

Tanning Facility: Any location, place, area, structure or business which provides access to tanning devices.

Tanning Device: Any equipment used for tanning the skin that emits ultraviolet radiation, including, but not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning lamps. Tanning devices also include any accompanying equipment, including, but not limited to, protective eyewear, timers and hand rails.

Phototherapy Device: Equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.

3.4 APPLICABILITY

This regulation shall apply to all Tanning facilities except for those facilities having a phototherapy device used by or under the supervision of a licensed physician who is trained in the use of such phototherapy device.

3.5 REGULATION

- A. No person under the age of eighteen (18) shall use a tanning device in a tanning establishment.
- B. No employees of tanning establishments shall be less than 18 years of age.

3.6 ENFORCEMENT

The Town of Mashpee, Board of Health, as permitted under the provision of Chapter 111, Section 31 and under Title 1 (310 CMR 11.00) authorizes the Board of Health to require compliance with this regulation.

3.7 SEVERABILITY

If any provisions of this regulation or the application thereof are held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision and the remainder of the regulation shall remain valid and effective. Any part of this regulation subsequently invalidated by state law shall automatically be brought into conformity with the new or amended law and shall be deemed effective immediately, without recourse to a public hearing.

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3.8 PENALTIES

(1) If an owner, manager or other person who violates this regulation shall be punished by a fine of:

- i. \$50.00 for the first violation;
- ii. \$100 for a second violation occurring within two (2) years of the date of the first offense; and
- iii. \$200 for a third or subsequent violation occurring within two (2) years of the second or previous violation.

(2) This regulation shall be enforced by the Board of Health and its designees.

(3) Violations of Section 3.8 shall be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law without an enabling ordinance or by-law.

(4) Repeated, egregious noncompliance as defined by regulation of the Department of Public Health, the Board of Health may revoke or suspend the license to operate, with proper notice given to permit holder, for a period of up to 30 days. Notice of the revocation or suspension shall be sent to the Department of Public Health.

3.9 EFFECTIVENESS

This regulation will take effect upon publication in a newspaper of general circulation.

Per Order Of,
Mashpee Board of Health

Kalliope Egloff, Chairman
Lucy B. Burton, Co-Chairman
Burton Kaplan, Clerk