

TOWN OF BLACKSTONE
RULES AND REGULATIONS FOR TANNING FACILITIES

The Blackstone Board of Health has adopted the following regulations at their regularly scheduled meeting on 20 January 2004 by the authority under the provisions of Chapter 111, Section 31 and Sections 207 through 214, inclusive of the General Laws of the Commonwealth of Massachusetts.

DEFINITIONS

Applicant - any person who applies to the Board of Health for a license to maintain and operate a tanning facility.

Board of Health or Board - the Board of Health of the Town of Blackstone.

Customer - any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who is afforded use of a tanning facility as a condition or benefit of membership or access.

Injury - bodily harm resulting from the use of a tanning device, which requires medical attention.

Inspection - an official examination or observation by the Department or Board, which includes but is not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Board.

License - a license to operate a tanning facility issued by the Board in accordance with 105 CMR 123.000.

Licensee - any person who is licensed by the Board.

Operator - an individual designated by the licensee to control the operation of a tanning facility and to instruct and assist the customer in the proper operation of tanning devices.

Person - any natural person, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this Commonwealth and any other State or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

Phototherapy device_ - equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.

Radiation - ultraviolet radiation.

Radiation machine - any device capable of producing radiation.

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 handrails.

Tanning facility - any location, place, area, structure or business that provides access to tanning devices.

Tanning Facility_ - any location, place, area, structure or business, which provides access to a tanning device.

Ultraviolet radiation - electromagnetic radiation with wavelengths in the air between 200 nanometers and 400 nanometer.

LICENSES, FEES AND INSPECTION

1. No person shall maintain or operate a tanning facility unless he/she is the holder of a valid license granted by the Board of Health. .
2. Applications for licensure shall be made on forms prescribed by and available from the Board of Health. Each applicant shall provide such additional information as the Board may reasonably require.
3. Each applicant shall submit the appropriate license fee. The fee for a license and annual renewal shall be \$75.00.
4. A license shall expire on December 31 st of the calendar year of issue.
5. In order to renew a license, an application shall be filed with the Board not less than 30 days prior to the expiration or the license.

6. Each tanning facility's license must be displayed in a conspicuous place in the facility.
7. The Board of Health or its agent shall inspect each tanning facility within 30 days of license issue and every six months thereafter, and upon receipt of any written complaint.
8. The Board shall have access at all reasonable times to any tanning facility for the purpose of inspecting said facility.
9. No license shall be transferable from one person to another or from one tanning facility to another.
10. The Board or its authorized Health Agent may summarily suspend a license pending a hearing whenever the Board finds that there is a situation causing jeopardy to customers at a tanning facility. A facility may not operate during the period of a suspension of its license.

The Board will notify the facility in writing of any violation for which the Board intends to deny, revoke, or refuse to renew a license. The applicant or licensee shall have 7 days after the receipt of such written notice to comply. The Board may deny, revoke or refuse to renew a license of a tanning facility, which fails to comply after said 7 days.

Upon written request the licensee shall be afforded an opportunity to be heard concerning the suspension of license by the Board. The hearing shall be no later than 21 days after the effective date of suspension. This right to a hearing shall also be available in cases of the Board's denial, revocation or refusal to renew a license.

WARNINGS

11. A tanning facility must provide every patron a written statement of warning and post a notice in a conspicuous place in every area where a tanning device is used. Said statement or notice shall be at least eight and one-half inches wide and eleven inches long and printed in white on a red background. Warning sign shall contain the following information: **DANGER - ULTRAVIOLET RADIATION. FOLLOW INSTRUCTIONS:**

A. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury and allergic reaction. Repeated exposure may cause chronic damage characterized by wrinkling, dryness, fragility, bruising of the skin and skin cancer.

B. Wear protective eye wear. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURN'S OR LONG TERM INJURY TO THE EYES.

C. Ultraviolet radiation from sunlamps aggravates the effects of the sun. Do not sunbathe before or after exposure to ultraviolet radiation.

D. Abnormal or increased skin sensitivity or burning may be caused by certain foods, cosmetics or medications, including but not limited to, tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills and skin creams. Consult a physician before using a sunlamp if you are using medication, have a history of skin problems or believe you are especially sensitive to sunlight. Pregnant women or women on birth control pills who are using a tanning device may develop discolored skin.

E. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN FROM USE OF THIS DEVICE. Use of a tanning device does not provide a substantial protective base against the effects of the sun.

12. There shall be a knowledgeable operator present at all times to assist the patron and to provide sanitized protective eyewear and towels. All surfaces where customers have contact within the tanning device shall be disinfected after each customer use. The interior of the facility shall be maintained in good repair and in a safe, clean and sanitary condition, free from accumulation of dirt and rubbish.

13. The tanning device will be protected so that the interior temperature does not exceed 100 degrees Fahrenheit and the timer shall have an accuracy of plus or minus ten percent (10%).

14. Persons fourteen (14) years of age to seventeen (17) years of age, inclusive, shall not use a tanning device without prior written consent of a parent or legal guardian. The operator must sign the consent form as a witness to the signing of the parent or legal guardian.

15. No person under fourteen (14) years of age shall use a tanning device unless accompanied by a parent or legal guardian. The operator must sign the consent form as a witness to the signing of the parent or legal guardian.

16. The facility shall forward to the Board of Health a written report of any injury or complaint of injury within five (5) working days of its occurrence or knowledge thereof. The report shall include:

- A. The name of the affected individual;
- B. The name and location of the tanning facility involved;
- C. The nature of the injury;
- D. The name and address of the affected individual(s) health care provider, if any;
- E. Any other information considered relevant to the situation.

17. The Board of Health shall retain and make available for public inspection any injury or complaint or injury report for at least one (1) year.

GRACE PERIOD

18. Persons presently operating a tanning facility without a valid license will be allowed a thirty (30) day grace period from the date the regulations are promulgated in which to submit to the Board of Health an application for a license. Applications for a license may, if submitted in accordance and in compliance with the Town of Blackstone's Rules and Regulations for Tanning Facilities and 105 CMR 123.00 and within the thirty (30) day period, be approved and a license may be issued by the Board of Health.

APPEAL

19. Any person aggrieved by a decision of the Board of Health pursuant to these regulations may request a hearing in writing before the Board of Health within ten (10) days of receipt of notice of the decision from which the party is aggrieved.

COMPLIANCE

20. Compliance with the state process for permitting under G.L. c. 111, section 208 and 105 CMR 123.00 does not relieve persons of the obligation to comply with the Board's regulations. In addition, compliance with foregoing regulations for permitting does not relieve persons of the obligation to comply with G.L. c. 111, sections 207 through 214 and 105 CMR 123.00 through 123.16.

PENALTIES

21. The provisions of these regulations may be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, section 21D and Article VII, section 504 of the Code of the Town of Blackstone. Each day a violation exists shall constitute a separate violation.

When enforced through non-criminal disposition, the penalties shall be as follows:

First Violation: warning

Second and subsequent
Violations: \$50.00

These Rules and Regulations were adopted by vote of the Blackstone Board of Health and are in full force and effect on _____. Notice was published in the Woonsocket Call for a public hearing prior to the adoption. A copy of said rules and regulations is filed with the Town Clerk and the Commonwealth of Massachusetts.

Voted:

William T. Walsh, Chairman

Michael A. Catalano, Vice-Chairman

Marcia DeMelo-Ducharme, Member

Approved as to form:

Town Counsel