

Amendments to 105 CMR 123.000:
Tanning Facilities

Massachusetts Department of Public Health
Bureau of Environmental Health
Radiation Control Program

John M. Priest

Director

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I. Background

- The purpose of 105 CMR 123.000 is to set forth the requirements for obtaining a license to operate and maintain a tanning facility. 105 CMR 123.000 applies to all tanning facilities, except for limited cases in which phototherapy devices are used by health care providers for the purpose of treatment of disease.
- Youth under the age of 18 are more susceptible to both short-term and long-term skin damage due to the stronger impact of ultraviolet (UV) radiation on DNA. Additionally, teenagers are generally more likely to use tanning facilities on a frequent basis, increasing the risk of long-term negative health impacts. Epidemiological studies show a strong link between rising melanoma rates and use of tanning beds amongst youth.

II. Proposed Amendments

Current Massachusetts regulations allow minors under 14 to use a tanning device when accompanied by a parent or guardian and minors between 14-17 to use a tanning device with the written consent of a parent or guardian.

However, Chapter 31 of the Acts of 2016, which was signed by the Governor on February 5, 2016,

- prohibits anyone under 18 years of age from using a tanning device.
- prohibits anyone under 18 from operating a tanning device.

The law goes into effect May 5, 2016.

II. Proposed Amendments (Cont.)

The Department of Public Health, Radiation Control Program, proposes amending 105 CMR 123.000 to:

- Restrict use of tanning devices to persons at least 18 years old;
- Require tanning operators to be at least 18 years old;
- Revise the definition of Operator to match the definition used in Chapter 31 of the Acts of 2016;
- Revise the language required for the warning label to match US FDA labeling requirements for tanning devices;
- Require the warning statement to be in a language understood by the customer;
- Revise temperature requirements for hot water in showers and sinks to match the plumbing code and proposed amendments to the housing code; and
- Add grounds for revocation of a tanning license when a licensee has permitted a customer under the age of 18 to use the tanning facility or has allowed a person under 18 to operate a tanning device.

III. Next Steps

- Following this initial presentation, a public hearing and comment period will be held.
- Approval of the proposed amendments, along with a review of public comments, will be requested at a subsequent meeting of the Public Health Council.
- Following final approval, this regulation will be amended.