

4713-19-09

Maintaining records for sunlamp product services.

(A) The operator of a tanning facility shall maintain a file for each individual seeking to use the sunlamp tanning service. Each file shall include :

(1) Date of most recent exposure to UVA/UVB, including any dates provided by the individual documenting recent exposure in other tanning facilities;

(2) Copies of the consent forms developed by the Ohio state board of cosmetology that have been signed by ~~Acknowledgment that the individual, parent, or legal guardian has signed a consent form developed by the Ohio state board of cosmetology based upon the age of the individual seeking to use the sunlamp service, in accordance with division (B) of section 4713.50 of the Revised Code and incorporated herein by reference~~ based upon the age of the individual seeking to use the sunlamp tanning service;

(3) A record of the individual's skin type, the date the determination was made, and the certified operator who made the skin type determination;

~~(3)~~(4) Acknowledgment of receipt of protective eyewear or that the individual will use their own approved eyewear;

~~(4)~~(5) Acknowledgment that the individual has been advised of maximum exposure time for the session in the unit to which the individual has been assigned;

~~(5) All individuals seeking to use the sunlamp tanning service shall have their skin type computed and annotated on their customer card or electronic record prior to their first tanning session. The tanning facility shall retain the full and accurate computed skin type for each individual and shall produce the skin type at the request of an inspector or investigator from the board or at the request of an individual.~~

(B) Tanning facilities ~~which~~that maintain records on computer or data processing equipment may use a single paper sign-in sheet for all individuals tanning in a single day. By the end of every day the tanning facility is open for business, the tanning facility shall transfer the information from the paper sign-in sheet ~~about each individual patron~~ to the individual's permanent file.

(C) Tanning facilities ~~which~~that utilize electronic signatures and/or biometric identification ~~(finger scanner)~~ may utilize the electronic scan or electronic signature in place of ~~the aforementioned~~ a paper sign-in sheet acknowledged as noted in paragraph (B) of this rule, ~~providing they demonstrate the system to be accurate.~~

- (D) Electronic or biometric devices, other than those used solely to sign in existing patrons, shall have the following warning immediately adjacent to the device: "By placing your finger on this scanner you agree that you have read the following caution statements and that you agree to the ~~times~~terms on this placard:

"Ultraviolet Radiation - Cancer Risk According to the Centers for Disease Control (CDC), indoor tanning exposes users to UV-A and UV-B radiation and has been linked with skin cancers including melanoma (the deadliest type of skin cancer), squamous cell carcinoma, and basal cell carcinoma, and cancers of the eye (ocular melanoma). Indoor tanning is particularly dangerous for younger users; people who begin indoor tanning during adolescence or early adulthood have a higher risk of getting melanoma.

The product is contraindicated for use on persons under the age of 18 years; the product must not be used if skin lesions or open wounds are present; the product should not be used on people who have had skin cancer or a family history of skin cancer; and people repeatedly exposed to UV radiation should be regularly evaluated for skin cancer. A contraindication means that the product is not indicated for use on persons under the age of 18 years of age.

According to the American Academy of Dermatology and Ohio Dermatological Association: The body needs a strong immune system to protect one from developing infections and cancers of all types. Children have immature immune systems, and the damage continues to accumulate across the lifespan. Meaning, the earlier the exposure to tanning radiation and the more exposure that occurs, the earlier the damage that will occur and the worse it will be.

Avoid Overexposure: Overexposure may cause skin injury, eye injury, and possible allergic reactions. Tanning radiation ages the skin and can result in premature wrinkles and other damage to the skin, such as skin cancer. Repeated overexposure may cause aging of the skin, dryness, has been linked to skin cancer. It is recommended not to tan outdoors on days when you are tanning indoors, or if you currently have a sunburn.

Ultraviolet Radiation Sensitivity (Photosensitivity: unusual and unexpected increased sensitivity to ultraviolet rays.) The use of various drugs, food items, makeup, lotions, and some sunscreen products contain ingredients that may have a photosensitizing effect with the use of ultraviolet tanning equipment. Customers with any known medical conditions or customers who are currently taking any medications should consult their physician or pharmacist before using ultraviolet tanning equipment.

Protective Eyewear: Failure to wear protective eyewear can result in severe burns or injury to the eyes, in addition to premature cataracts, glaucoma, macular degeneration and blindness.

Skin Typing: Skin typing is a required assessment that is used to determine the appropriate tanning exposure schedule for an individual. The types of questions presented on the assessment are about sun sensitivity, natural coloring, recent tanning history, medications, and medical history. Each response is given a numerical value, after the certified operator reviews the questions with the client. The answers are tallied and an individual's sun sensitivity is determined by a score of 1-6. This level of sun sensitivity can then be used when utilizing the manufacturer's printed label for suggested tanning time.

Certified Operator: A certified operator is an employee of a tanning facility who has successfully completed and passed a board approved training course and holds a board approved certificate. Every tanning facility is required to have a certified operator on duty at all times.

Consent Requirements: A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services without first obtaining the consent of a parent or legal guardian of the individual prior to each tanning session. Parent or legal guardian must remain at the tanning facility for the duration of tanning session. A new consent form must be signed prior to each session.

A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services without first obtaining the consent of a parent or legal guardian of the individual. The consent is valid for ninety days from the date the form is signed. A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services for more than forty-five sessions during the ninety-day period covered by the consent.

A tanning facility operator or employee shall not allow an individual who is eighteen years of age or older to use the facility's sun lamp tanning services without first obtaining a signed consent form. The consent form is valid indefinitely.

I have been provided and read a copy of the "Tanning Risks and Important Information." My finger scan will be viewed as my signature that I understand the risks factors of ultraviolet radiation and overexposure contained on the "Tanning Risks and Important Information" sheet provided. I understand that certain medical conditions and/or medications may cause a photosensitivity of the skin. I further

understand that failure to wear protective eyewear may result in severe burns or injury to the eyes. It is also my understanding that a certified tanning operator must perform a skin typing assessment prior to tanning to determine an individualized exposure schedule."

Effective:

Five Year Review (FYR) Dates: 10/10/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4713.08 (A)(17)
Rule Amplifies: 4713.01, 4713.48, 4713.49, 4713.50
Prior Effective Dates: 1/8/1985, 3/16/1990, 2/24/1991, 1/26/1997, 1/17/2002,
1/10/2004, 11/1/2013, 10/10/2015