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SENATE BILL 430

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO HEALTH; BANNING USE OF TANNING DEVICES BY
INDIVIDUALS UNDER THE AGE OF EIGHTEEN; PROVIDING FOR PENALTIES;
PROVIDING FOR RULEMAKING BY THE SECRETARY OF ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. TANNING DEVICES--PROHIBITION OF USE BY
MINORS--PENALTIES--RULEMAKING.--**

A. A minor shall not use a tanning device.

B. A person that owns or operates a tanning
facility shall ensure that each customer who uses a tanning
device in that tanning facility is not a minor.

C. A person that owns or operates a tanning
facility that violates Subsection B of this section is guilty
of a misdemeanor and shall be fined:

(1) two hundred fifty dollars (\$250) for the

1 first offense;

2 (2) five hundred dollars (\$500) for the second
3 offense; and

4 (3) one thousand dollars (\$1,000) for the
5 third and all subsequent offenses.

6 D. The secretary of environment shall promulgate
7 any rules necessary to implement the provisions of this
8 section.

9 E. As used in this section:

10 (1) "customer" means a member of the public
11 who is provided access to a tanning facility in exchange for a
12 fee or other compensation, or an individual who, in exchange
13 for a fee or other compensation, is afforded use of a tanning
14 facility as a condition or benefit of a membership or access
15 agreement;

16 (2) "minor" means an individual who is under
17 eighteen years of age;

18 (3) "operate" means to control operation of a
19 tanning facility and instruct and assist a customer in the
20 proper operation of a tanning device;

21 (4) "tanning device" means equipment that
22 emits radiation used for tanning the skin, including a sun
23 lamp, tanning booth or tanning bed that emits electromagnetic
24 radiation with wavelengths in the air between two hundred and
25 four hundred nanometers. "Tanning device" includes any

underscored material = new
~~[bracketed material] = delete~~

1 equipment accompanying or appurtenant to a sun lamp, tanning
2 booth or tanning bed, including timers, ballasts, starters,
3 lamps, reflectors, cooling fans, acrylics, comfort pillows and
4 handrails; and

5 (5) "tanning facility" means a place where
6 customers have access to tanning devices.

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