



Howard County Tanning Facility Regulations Frequently Asked Questions

GENERAL

Must all tanning facilities in Howard County comply with these regulations?

Yes. All tanning facilities in Howard County must comply with the tanning facility regulations enacted by the Board of Health. A tanning facility means any place where a tanning device is used for a fee, membership dues, or other compensation.

Are there any exemptions?

Yes. Tanning devices used exclusively for the tanning of non-human skin; or used exclusively for medical phototherapy in a physician's office; or owned and used by any person exclusively for personal, noncommercial use are exempted from these regulations.

Do I have to register my tanning facility?

Yes. The regulations require tanning facility owners in Howard County to submit an annual registration form and pay a registration fee for each tanning facility location they operate. Tanning devices registered to different persons at the same location and tanning devices registered to the same person, but at separate locations, shall constitute separate tanning facilities and will each require separate registration forms and fees. Go to the Health Department's website - www.hchealth.org – for a copy of the initial/renewal registration form. Click on the “Environmental Health” tab on the left side of the page and then on “Tanning Facilities.” See below for more information on registration.

Are there any general requirements for a tanning facility that I should be aware of?

Yes. You must: 1) Have a trained employee on duty whenever the facility is open for business; 2) Provide each customer with protective eyewear that meets the standards for tanning devices or allow customers to furnish and use their own personal protective eyewear; 3) Not allow a customer to use a tanning device if that customer does not have protective eyewear in his/her possession or does not intend to use protective eyewear during tanning; 4). Show each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer; and 5) Limit each customer to the maximum exposure time as recommended by the device manufacturer.

Do I have to provide a bathroom?

Yes. Tanning facility owners must provide a clean bathroom for customers unless there are practical difficulties involved. The Health Officer has the authority to waive the bathroom requirement for individual cases, provided that the Health Officer first finds that the waiver does not result in an unsafe or unsanitary condition in the tanning facility.



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REGISTRATION

How long do I have to register my tanning facility?

If you own an existing tanning facility (e.g., already in operation prior to November 10, 2009), you must register your facility within 30 days from December 7, 2009. New tanning facilities have 30 days from their opening date to register.

What are the fees?

Initial Tanning Facility Registration	\$65.00
Renewal Tanning Facility Registration	\$40.00
Duplicate Registration	\$10.00
Filing for Renewal after Registration Expires	\$25.00 + Renewal Fee

If my registration changes, what do I need to do?

If any information changes during the year of registration, you must submit an update form. Go to the Health Department's website - www.hchealth.org – for a copy of the update form. Click on the “Environmental Health” tab on the left side of the page and then on “Tanning Facilities.”

I own a tanning facility with multiple locations. Do I have to register each location?

Yes. Tanning devices registered to different persons at the same location and tanning devices registered to the same person, but at separate locations, are separate tanning facilities under these regulations.

When will I get my registration certificate?

Your certificate will be mailed within 15 business days of the receipt of your completed Registration Application and required fee.

Do I have to display my registration?

Yes. You must conspicuously display your registration in your tanning facility.

YOUTH TANNING

Can those under 18 use a tanning facility in Howard County?

No. A minor (i.e., a person under 18 years of age) shall not use a tanning device without a written prescription from the minor's physician.

If a person under 18 provides a physician's prescription, what should I look for?

The prescription should specify the nature of the medical condition requiring the treatment, the number of visits allowed, and the time of exposure for each visit. Verify that the prescription is signed by the physician and includes the name, address, phone number, and academic degree (M.D. or D.O. only) of the prescribing physician. Keep the prescription for your records.



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How should I verify the age of my customers?

Confirm, with a State or federal government-issued photo identification card, that potential customers are not less than 18 years old. A minor cannot use a tanning device in Howard County unless s/he provides you with a doctor's prescription. You may want to instruct your staff how to calculate age by subtracting 18 years from the current date. For example, if today is 12/7/2009, the customer's birth date must be 12/7/1991 or earlier to be old enough to use an indoor tanning device without a doctor's prescription.

WARNING STATEMENT AND WARNING SIGN

Am I required to post any warning signs?

Yes. The owner shall conspicuously post warning signs in locations visible to the public including any area(s) where a tanning device is used. The warning sign shall be at least 11 inches by 17 inches and the letters shall be at least 1/2 inch in height. The warning sign shall read: "Use of a tanning device may cause skin cancer and burns to the skin and eyes. Protective eyewear is required." Instructions for creating your own warning sign are available on www.hchealth.org (Click on the "Environmental Health" tab on the left side of the page and then on "Tanning Facilities"). Alternatively, you may download a sample sign created by the Health Department and take it to your local office supply store for duplication.

Do adult customers have to sign a warning statement before each tanning session?

Yes. The regulations require that each customer sign a warning statement prior to each tanning session. You must use the warning statement provided by the Howard County Health Officer. The required warning statement for use in your facility is available for download from www.hchealth.org. (Click on the "Environmental Health" tab on the left side of the page and then on "Tanning Facilities")

ATTENDANT TRAINING

What are the training requirements for my attendants?

Your staff must complete an approved training within 90 days of December 7, 2009 (for tanning facilities already in existence prior to November 10, 2009) or 90 days after initial registration (for new tanning facilities). If your attendants have already completed an approved training, that is sufficient.

How should I keep track of the training provided to my staff?

You should maintain a log with the name of each attendant and the approved training that each has completed together with a training certificate or any documentation indicating that he/she has completed the training.



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Does the health department provide the training?

No. An approved training program is one that is recognized by the tanning industry that at a minimum includes the following topics: the operation and maintenance of equipment and safety aids; need and use of protective eyewear; skin typing; identification of potential photosensitizing drugs and other factors used to determine a customer's exposure time; UV radiation and its effect on the skin and eyes; and applicable state and federal laws and regulations pertaining to the operation and use of a tanning device including [21CFR1040.20](#).

How many trained attendants do I need to have on the premises?

You must have at least one (1) trained attendant on duty for every ten (10) tanning devices or fraction of ten (10) tanning devices in use at the same time. For example, if you have 10 people using 10 tanning devices at the same time, you will only need one trained attendant on duty. If you have 11-20 tanning devices operating at the same time, you will need at least two trained attendants on duty. The number of trained attendants you must have on hand is directly related to the number of tanning devices that are operating at the same time. You may have 20 tanning devices on site but if only 5 are being used at one time, you will only need one trained attendant on duty.

SANITATION AND HYGIENE

What are the sanitation and hygiene requirements for tanning facility operation?

In general, keep your facility clean and in good repair. Provide sufficient lighting (including additional lighting during cleaning) and clean linens, if you provide such linens to customers.

What are the sanitation and hygiene requirements for tanning devices and protective eyewear?

Sanitize each tanning device and any protective eyewear you provide customers after one use with a sanitizer recommended by the device manufacturer.

Do I need to provide a bathroom for my customers?

Yes. You must provide a clean bathroom for your customers unless there are practical difficulties involved. The Health Officer has the authority to waive the bathroom requirement for individual cases, provided that the Health Officer first finds that the waiver does not result in an unsafe or unsanitary condition in the tanning facility (see Regulation .08).



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PROTECTIVE EYEWEAR

Do I need to provide protective eyewear for my customers?

Customers can supply their own protective eyewear, purchase it from the tanning facility, or use free protective eyewear if supplied by the tanning facility. Customers must agree to use protective eyewear when using a tanning device.

RECORD-KEEPING

What records do I need to keep?

A tanning facility shall keep a record of each customer's use of a tanning device. The record shall include the following: Visit date; Exposure time; Name of the attendant; Name and address of the customer; Signed warning statements; Any injury reports; and any physician prescription if record is that of a minor. In addition, you should maintain a training log with the name of each attendant and the approved training that each has completed together with a training certificate or any documentation indicating that he/she has completed the training. All records should be available upon request for inspection by the Howard County Health Department.

How long do I have to keep these records?

Records shall be safely preserved on the registered premises for two (2) years.

Do I have to use a specific injury report form?

Yes. You must use the form designated by the Howard County Health Officer. The required injury report form can be found at www.hchealth.org. (Click on the "Environmental Health" tab on the left side of the page and then on "Tanning Facilities")

What are the injury reporting requirements?

If a customer calls your tanning facility to report an alleged injury subsequent to using a tanning device in your facility, fill out an injury report form as required by the regulations and safely preserve it on the registered premises. You must use the form designated by the Howard County Health Officer. A Howard County Health Department inspector may ask to examine a tanning facility's injury reports during a routine inspection.

How long do I have to keep injury report forms?

Records shall be safely preserved on the registered premises for two (2) years.

ENFORCEMENT

Who enforces the regulations?

The Howard County Health Department enforces the tanning facility regulations.



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How will these regulations be enforced?

The Howard County Health Department will conduct random, unannounced compliance checks working with underage teenagers. If a member of the public lodges a complaint against a tanning facility, a follow-up compliance check will be conducted.

What are the penalties for non-compliance?

If the Howard County Health Department inspector finds that there is a likely violation of the regulations, s/he can choose to 1) accept a written assurance of compliance or assurance of discontinuance on the terms and conditions that the Health Officer may deem appropriate. No such assurance of compliance or assurance of discontinuance shall constitute an admission by any party that there has been a violation of any law or regulations. OR 2) may take the tanning facility owner to court to force compliance with the regulations. The court has many options to compel enforcement by a tanning facility owner (including issuance of significant fines and even mandatory closure).

If I feel I was injured due to use of a tanning facility, how can I file a complaint?

If you believe that you have been injured due to tanning device use (e.g., got a skin or eye burn, got hurt by the equipment, slipped on the floor, etc.), file an injury report with the person-in-charge of the facility first. Then call the Health Department at 410-313-1773 to file a complaint or go to our website to file a complaint via the online form. (Go to www.hchealth.org, click on the “Environmental Health” tab on the left side of the page and then on “Tanning Facilities”.)

If I think a tanning facility is violating the regulations, how can I file a complaint?

Call the Health Department at 410-313-1773 to file a complaint or go to our website to file a complaint via the online form. (Go to www.hchealth.org, click on the “Environmental Health” tab on the left side of the page and then on “Tanning Facilities”.)

If you still have questions, please call the Howard County Health Department at 410-313-1773.