

Lake Region District Health Unit

TANNING FACILITY

Rules and Regulations



Public Health
Prevent. Promote. Protect.

Effective Date: October 28, 2014

LAKE REGION DISTRICT HEALTH UNIT

524 4th Avenue NE – Unit 9

Devils Lake, ND 58301

701.662.7035

CONTENTS

- A. NOTICE OF RULES AND REGULATIONS
- B. DEFINITIONS
- C. INTENT
- D. APPLICABILITY – ADOPTION OF RULES AND REGULATIONS
- E. FACILITY – LICENSING REQUIREMENTS
- F. APPLICATION
- G. FEES
- H. INSPECTION
- I. INVESTIGATING COMPLAINTS
- J. DENIAL – SUSPENSION, OR REVOCATION OF LICENSE
- K. TANNING OPERATOR AND CUSTOMER REQUIREMENTS
- L. PUBLIC NOTIFICATION REQUIREMENTS - NOTICE – WARNING SIGN
- M. CUSTOMER RECORDS – RECORDS RETENTION
- N. REPORTS OF INJURY
- O. REQUIREMENTS FOR PREMISES – CLEANLINESS - SANITATION
- P. REQUIREMENTS FOR EQUIPMENT
- Q. REQUIREMENTS FOR TUBES – BULBS- LAMP REPLACEMENT
- R. ADVERTISING – PROHIBITED CLAIMS

SUPPORTING DOCUMENTS:

WARNING SIGN
TANNING FACILITY CUSTOMER APPLICATION FORM & ASSURANCE OF NOTIFICATION
CUSTOMER CHECK-IN
TANNING DEVICE MAINTENANCE
TANNING FACILITY SANITIZER TESTING LOG
TANNING INJURY/ILLNESS REPORT
TANNING FACILITY LICENSE APPLICATION

A. NOTICE OF RULES AND REGULATIONS

The following rules and regulations pertain to the inspection, operation, and monitoring requirements of tanning facilities within the boundaries of **LAKE REGION DISTRICT HEALTH UNIT (LRDHU)**.

These rules and regulations are necessary and proper for the preservation of public health and safety. All tanning facilities are required to adhere to these rules and regulations. The provisions of these rules and regulations shall be enforced.

We believe that, if the operational practices outlined below and throughout this manual are observed, your tanning facility can serve as a safe and healthful environment. Note: improperly designed, operated, and maintained tanning facilities are a menace to the health and general welfare of the public and are hereby declared a nuisance; and are subject to the requirements specified under North Dakota Century Code (NDCC) Section 23-35-08 and Section 23-35-09. Any person who violates the provisions of these rules and regulations can be found guilty of a class B misdemeanor, Section 23-35-13.

All tanning facility operators shall be knowledgeable about these rules and regulations. Tanning facilities located in **Benson, Eddy, Pierce, and Ramsey County, not including tribal and trust lands** shall operate in a manner that follows all rules and regulations set forth in this document.

These rules and regulations shall be effective on and after October 28, 2014.

B. DEFINITIONS

For the purposes of these rules and regulations, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory; the words "should" and "may" are permissive.

"Applicant" means any person who applies for a license to operate a tanning facility.

"Approving authority" shall mean the Environmental Health Division of Lake Region District Health Unit (LRDHU); as appointed by the Health Officer.

"Board of Health" means Lake Region District Health Unit Board of Health.

"Customer" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a benefit of membership in or access to a health club, condominium ownership, apartment complex activity center, hotel or motel room rental or other offer.

"Lake Region District Health Unit" means the counties represented by the Lake Region District Health Unit, which are Benson, Eddy, Pierce, and Ramsey counties; with the administration office located at 524 4th Avenue NE, Unit 9, Devils Lake, ND 58301.

"NDCC" – means North Dakota Century Code.

"Operator" means an individual designated by the license holder to manage the tanning facility, to assist and instruct the public in the correct operation of the tanning devices, and to be responsible for compliance with these rules and regulations.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group or agency, or a representative or agent of any of these.

"Phototherapy device" means equipment that emits ultraviolet radiation and is used in treating disease.

"Protective eyewear" means any apparatus designed to be worn over the eyes by a user of tanning devices which absorbs all UV-A, UV-B and visible light up to 500 nanometers but permits sufficient light to pass through to allow a user to safely negotiate obstacles, and that complies with the standards set forth in 21 CFR 1040.20.

"Radiation" means ultraviolet radiation.

"Tanning device" means equipment that emits electromagnetic radiation having wavelengths in the air between two hundred and four hundred nanometers and which is used for tanning of human skin and any equipment used with that equipment including food and drug administration-approved eyewear, timers, and handrails. The term does not include a phototherapy device used by a physician.

"Tanning facility" means a place or business that provides individuals access to a tanning device as a "customer".

"Ultraviolet radiation" means electromagnetic radiation with a wavelength in air of 200 to 400 nanometers.

"UV-A" means ultraviolet radiation having a wavelength in air of 320 to 400 nanometers.

"UV-B" means ultraviolet radiation having a wavelength in air of 290 to 320 nanometer

C. INTENT

1. These rules and regulations are written in accordance with the authority granted the Board of Health in the North Dakota Century Code, 23-35 and 54-40 and the **Lake Region District Health Unit**, hereby providing minimum standards and criteria for tanning facilities following good public health practices. The primary goal of these rules and regulations is to ensure safe and sanitary facilities.
2. In any case, where a provision of these rules and regulations is found to be in conflict with a provision of any zoning, building, safety, or health ordinance or code, the provision which establishes the more stringent standard for the promotion of health and safety shall prevail.
3. If any section, subsection, sentence, clause, phrase, or portion of these rules and regulations are for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

D. APPLICABILITY – ADOPTION OF RULES AND REGULATIONS

1. The LRDHU board of Health have adopted these rules and regulations to regulate any person that receives compensation for providing tanning facility use. These rules and regulations apply to all persons who possess or operate tanning devices available to the public for the purpose of artificial light skin tanning, including those offered for use as part of a membership or premium offer in a health club, condominium, apartment complex activity center, hotel or motel rental.
2. These rules and regulations establish health and safety requirements and limitations with respect to the age of an individual who may use a tanning facility and may prohibit any practice that the Board of Health deems unsafe or a threat to public health.

E. FACILITY – LICENSING REQUIREMENTS

1. No person, firm, partnership, joint venture, association, business trust, corporation, or organized group of persons shall operate a tanning facility providing tanning services without first obtaining a tanning facility license issued by the Approving Authority under these rules and regulations.
2. It is prohibited to obtain or attempt to obtain any tanning facility or operator license by means of fraud, misrepresentation, or concealment.
3. An issued license is valid for one calendar year, unless revoked for cause.
4. The current tanning facility license shall be posted in a prominent and visible area where it can be readily observed by customer.
5. A license for a tanning facility shall not be transferable from one place or person to another.
6. The license shall be renewed on or before a renewal date set by the Approving Authority, or before construction and opening of a new tanning facility.

F. APPLICATION

1. An applicant for a license to operate a tanning facility shall submit a completed application for a license, on a form provided by the Approving Authority. The application must include blue print design plans and construction specifics of the tanning facility and any other information reasonably required for the administration of these rules and regulations. Blueprint design plans and construction specifications shall be approved prior to construction and/or use of any tanning facility, before the preoperational inspection. All public tanning facilities shall meet minimum construction standards.

2. The Approving Authority will conduct a preoperational inspection prior to initial licensure or changes in ownership to ensure operator compliance and understanding of all rules and regulations.

G. FEES

1. The license fee to operate a tanning facility shall be established by the Approving Authority fee structure. *The license fee established shall be based on the cost of conducting routine and complaint inspections and enforcement actions and the cost of preparing and sending inspection reports and license documents.*
2. The license fee is non-refundable and non-transferable.
3. An additional fee established by the Approving Authority's fee structure shall be imposed upon renewal if the license was not renewed before a date set by the Approving Authority's fee structure.
4. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new facility that begins operation after July first of each year.
5. Fees collected must be deposited in the Approving Authority's operating fund.

H. INSPECTION

1. These rules and regulations require that all tanning facilities be inspected yearly or as often as necessary throughout the year to ensure compliance with these rules and regulations.
2. Inspections shall take place unannounced whenever possible and at a reasonable hour and in a reasonable manner.
3. The Approving Authority shall properly identify themselves upon entering a facility to make an inspection.
4. It is unlawful for any person to interfere with the Approving Authority in the performance of duties.
5. A copy of the inspection report shall be furnished to the license holder or operator of the facility, with the Approving Authority retaining possession of the original.

I. INVESTIGATING COMPLAINTS

1. In addition to inspecting tanning facilities, the Approving Authority has the responsibility to investigate all facility reported complaints received.
2. If, after investigation, the Approving Authority should find that a licensee is in violation of these rules and regulations, the approving Authority shall advise the licensee, in writing, of its findings and instruct the licensee to take steps to correct such violations within a reasonable period of time.
3. If the Approving Authority has reasonable cause to suspect that a communicable disease is or may be transmitted by use of the facility, due to unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the Approving Authority may do any or all of the following:
 - a.) Issue an order excluding any or all operators from the licensed facility who are responsible, or reasonable appear responsible, for transmission of any communicable disease, until the Approving Authority determines there is no further risk to public health.
 - b.) Issue an order to immediately suspend the license for the facility until the Approving Authority determines there is no further risk to public health. Such an order shall state the cause for the action.

J. DENIAL - SUSPENSION OR REVOCATION OF LICENSE

1. Violation of these rules and regulations adopted is a class B misdemeanor. The Approving Authority shall deny issuance of a license to an applicant, or suspend or revoke any license issued under these rules and regulations if the applicant or license holder, or an employee of the applicant or license holder, violates these rules and regulations or any policies adopted to implement these rules and regulations, or if the applicant or license holder does any of the following:
 - a.) Submits false or misleading information in the application or in reports.
 - b.) Fails to construct, operate or maintain the tanning facility in accordance with the application and these rules and regulations
 - c.) Operates the tanning facility in a way that causes or creates a nuisance or hazard to the public's health or safety.
 - d.) Violates any condition upon which the license was issued and in accordance with these rules and regulations.
 - e.) Fails to allow the Approving Authority to inspect the facility at a reasonable hour and in a reasonable manner for the purpose of determining compliance with these rules and regulations.
 - f.) Fails to pay the license fee.
2. A facility's compliance with these rules and regulations does not relieve the owner or any employee of the facility from liability for injury sustained by a customer.
3. The Approving Authority has the authority to abate the use of any facility until such time as the facility is no longer deemed a health or safety hazard. If a facility is closed by the Approving Authority, the facility shall not reopen for service without the permission of the Approving Authority.
4. Licenses issued under the provisions of these rules and regulations may be denied, suspended, or revoked temporarily or permanently.
5. When a facility is found to be in violation and the license will be suspended, the operator shall be notified in writing that the license is, upon service of this notice, immediately suspended by the Approving Authority for failure of the holder to comply with the requirements of these rules and regulations.
 - a.) The written notice shall contain a statement informing the license holder or operator the reasons for suspension, the time frame within which the proprietor must meet the requirements, and state that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Approving Authority.
6. Any person whose license has been suspended may, at any time, make application for reinstatement of the license.
 - a.) Within 10 days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected, the Approving Authority shall re-inspect the facility or evaluate documentation provided by an operator.
 - b.) If the applicant is in compliance with the provisions of these rules and regulations, the license will be reinstated.
7. The Approving Authority may permanently revoke a license after five days following service of a notice unless a request for hearing is filed within the five day period with the Approving Authority by the license holder.
8. For repeated or serious violations of any of the requirements of these rules and regulations or for interference with the Approving Authority in the performance of their duties, a license may be permanently revoked after a hearing.

- a.) Before taking such action, the Approving Authority shall notify the license holder or operator in writing, stating the reasons for which the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.
 - b.) A license may be suspended for cause, pending its revocation or hearing relative thereto.
9. Hearings provided for in these rules and regulations must be conducted at a time and place that is designated by the Board of Health.
- a.) On the basis of the record of the hearing, the Board of Health shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing.
 - b.) A written report of the hearing decision must be furnished to the license holder or operator by the Approving Authority.

K. TANNING OPERATOR AND CUSTOMER REQUIREMENTS

1. The operator of a tanning facility shall keep the following information on file on the premises of a tanning facility and available for inspection by the Approving Authority:
 - a.) Employee information for those responsible for tanning facility operations/management
 - b.) Facility owner and management contact information and facility hours of operation
 - c.) A copy of these rules and regulations
 - d.) All tanning customer information, including applications and record keeping
2. The operator of a tanning facility shall ensure that all of the following are fulfilled regarding minors:
 - a.) Customers under eighteen years of age may not be permitted to use the tanning facility until the customer provides the facility with written consent, in a form prescribed by the Approving Authority, and filled out completely, from a parent or legal guardian to use the tanning facility.
 - i. The consent must indicate that the parent or legal guardian has read the warnings required in these rules and regulations and that the customer agrees to wear food and drug administration-approved protective eyewear.
 - ii. The parent or guardian shall provide photo identification to the owner or operator regarding being a parent or legal guardian to the customer who is under eighteen years of age.
 - iii. The parent or legal guardian shall provide a notarized statement of consent or sign the consent form in the presence of the owner or operator of the tanning facility.
 - iv. The owner or operator shall review the application and other requirements per these rules and regulations with the customer and parent or legal guardian; note customer's listed date of birth on form; review parent or legal guardian's photo identification; and check the application for legible printed names and date of application noted on the form.
 - v. The written consent form expires twelve months from the date signed and shall be updated and signed with a new date either on a new form or on the same form, in a legible manner.
 - vi. A under the age of fourteen years may not be allowed to utilize a tanning device at a tanning facility without a written order from a physician licensed in this state and without being accompanied by a parent or legal guardian for every use of the tanning facility.
 - b.) During operating hours, there is present at the tanning facility a trained operator who is able to inform customers about, and assist customers in, the proper use of tanning devices.
 - c.) Each tanning device is properly sanitized after each use, with a sanitizer approved for use as a sanitizer in a tanning facility. The facility is kept cleaned and sanitized.

- d.) Properly sanitized and securely fitting food and drug administration-approved protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance is made available to the customer.
 - e.) A customer is not allowed to use a tanning device unless the customer agrees to use food and drug administration-approved protective eyewear.
 - f.) A customer is shown how to use such physical aids as handrails and markings on the floor to determine the proper distance from the tanning device.
 - g.) A timing device that is accurate within ten percent is used.
 - h.) Each tanning device is equipped with a mechanism that allows the customer to turn off the tanning device.
 - i.) A customer is limited to the maximum exposure time recommended by the manufacturer.
 - j.) A customer is not allowed to use a tanning device more than once every twenty-four hours.
 - k.) The interior temperature of the tanning facility does not exceed 110 degrees Fahrenheit.
 - l.) All customer records are retained by the tanning facility for a minimum of three years or until the customer signs a new statement.
3. Smoking, eating, or drinking is prohibited in the area where a tanning device is located.
4. A customer of a tanning facility shall:
- a.) Prior to first use of a tanning facility, fill out and complete the application provided by the facility, including signing the application acknowledging that the customer has read and understands the notice and warning sign that specifies that the customer agrees to use food and drug administration-approved protective eyewear.
 - b.) Use food and drug administration-approved eyewear at all times while using a tanning device.

L. PUBLIC NOTIFICATION REQUIREMENTS - NOTICE – WARNING SIGN

1. Verbal and written public educational information, approved by the Approving Authority, shall be required to be given to all customers wanting to use a tanning device at the facility.
- a.) Notice: At the time of application, each tanning facility customer shall be provided written notice of the following:
 - i. Failure to wear the eye protection provided by the tanning facility may result in damage to the customer's eyes and may cause cataracts;
 - ii. Overexposure to a tanning device causes burns;
 - iii. Repeated exposure to a tanning device may cause premature aging of the skin and may cause skin cancer;
 - iv. Abnormal skin sensitivity or burning of the skin while using a tanning device may be caused by:
 - a. Certain foods;
 - b. Certain cosmetics; and
 - c. Certain medications, including tranquilizers, diuretics, antibiotics, high blood pressure medications, and birth control pills; and
 - v. An individual who takes medications should consult a physician before using a tanning device.
2. WARNING SIGN: A tanning facility shall display prominently a warning sign in each area where a tanning device is used.

- a.) A sign shall be located within one meter of each device. The sign shall be readily legible, clearly visible and not obstructed by any barrier, equipment or other item present so that the customer can easily view the warning sign before turning on the tanning device.

- b.) Lettering. The lettering on each warning sign shall be at least five millimeters high for the words "WARNING – ULTRAVIOLET RADIATION". All capital letters shall be at least five millimeters high and all lower case letters shall be at least three millimeters high. The warning sign must contain the following directions and information:
 - i. Follow instructions.
 - ii. Avoid too frequent or too lengthy exposure. Like exposure to the sun, use of a tanning device can cause eye and skin injury and allergic reactions. Repeated exposure can cause chronic sun damage, which is characterized by wrinkling, dryness, fragility and bruising of the skin, and skin cancer.
 - iii. Wear food and drug administration-approved protective eyewear.
 - iv. Failure to wear protective eyewear may result in severe burns or long-term injury to the eyes.
 - v. Ultraviolet radiation from tanning devices will aggravate the effects of the sun, so do not sunbathe during the twenty-four hours immediately preceding or immediately following the use of a tanning device.
 - vi. Medications and cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a tanning device if you are using medications, have a history of skin problems, or believe that you are especially sensitive to sunlight.
 - vii. Women who are pregnant or using birth control pills and who use a tanning device may develop discolored skin.
 - viii. If your skin does not tan when exposed to the sun, it is unlikely that your skin will tan when exposed to this tanning device.

(Example of minimum requirements for size and content for WARNING sign)

**WARNING
DANGER - ULTRAVIOLET RADIATION**

Follow Instructions.

Avoid too frequent or too lengthy exposure. Like exposure to the sun, use of a tanning device can cause eye and skin injury and allergic reactions. Repeated exposure can cause chronic sun damage, which is characterized by wrinkling, dryness, fragility and bruising of the skin, and skin cancer.

WEAR FOOD AND DRUG ADMINISTRATION-APPROVED PROTECTIVE EYEWEAR.

FAILURE TO WEAR PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

Ultraviolet radiation from tanning devices will aggravate the effects of the sun, so do not sunbathe during the twenty-four hours immediately preceding or immediately following the use of a tanning device.

Medications and cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a tanning device if you are using medications, have a history of skin problems, or believe that you are especially sensitive to sunlight.

Women who are pregnant or using birth control pills and who use a tanning device may develop discolored skin.

If your skin does not tan when exposed to sun, it is unlikely that your skin will tan when exposed to this tanning device.

M. CUSTOMER RECORDS – RECORDS RETENTION

1. The operator of a tanning facility shall obtain and maintain the following customer records:
 - a.) Each facility shall keep records for all customers served at the tanning facility. An application, provided by the Approving Authority, shall be completely filled out by each customer prior to use of the facility. The application shall include the name, date of birth, address of the customer, date of application, and printed and written signatures acknowledging that the customer has read and understands the written notice as required in Section L of these rules and regulations.
 - b.) If a customer is under 18 years of age, proof of parental or guardian consent shall be obtained, signed and record retained, prior to customer use of the tanning facility and yearly thereafter until he customer turns 18 years of age.
 - c.) Each customer's total number of tanning visits, dates, time of visit, and duration of tanning exposure.
2. All customer records shall be kept confidential and be retained for a minimum of three years after the last tanning visit and made available to the Approving Authority upon notification.

N. REPORTS OF INJURY

1. If a customer of a facility regulated under these rules and regulations reports a sunburn injury to that facility resulting from the use of its tanning device, the owner shall provide the customer with written information on how to report the alleged injury to the Approving Authority on a form prescribed by the Approving Authority.
2. If a health care provider treats a patient for a sunburn injury and determines, in the exercise of professional judgment, that the injury occurred as a result of using a tanning device at a tanning facility, the health care provider shall report the circumstances of the injury to the Approving Authority.
 - a.) The report sent to the Approving Authority shall include:
 - i. The name of the affected individual and date of the actual or alleged injury.
 - ii. The name and location of the tanning facility.
 - iii. The nature of the alleged injury and duration of the tanning exposure.
 - iv. Information on the device involved, such as manufacturer and model number and any other information considered relevant to the situation.
 - v. The name and address of the health care provider and treatment, if any.
3. A licensed health care professional making or not making a report in good faith pursuant to this section is immune from liability for making or not making a report.

O. REQUIREMENTS FOR PREMISES - CLEANLINESS – SANITATION

1. Following are the minimum requirements for construction, materials, and general condition of a tanning facility:
 - a.) All new or extensively remodeled facilities shall submit a scale drawing and floor plan of the proposed facility for a plan review by the Approving Authority, as part of the licensing application process.

- b.) Facility grounds shall be maintained. In addition, the entrance and exit to and from the tanning facility and device areas shall be kept cleaned and unobstructed.
- c.) All walls, floors, doors, ceilings, and fixtures shall be in good repair and kept cleaned.
- d.) All tanning devices and other surfaces shall be able to be easily cleaned and sanitized after each customer.
- e.) All tanning devices shall be sanitized after each use. Surfaces shall be cleaned prior to sanitizing when visibly dirty. No article or equipment shall be used or offered for use by a patron unless that article has first been sanitized with an EPA-approved sanitizer.
 - i. An individual sanitizer solution container used for each device shall be properly and clearly labeled.
 - ii. A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million (ppm) shall be used to measure the strength of the sanitizing solution when the concentrate and water dilution is initially prepared and at least daily thereafter to ensure sufficient strength of the sanitizing solution.
 - iii. Sanitizing solution information shall be recorded and readily available.
- f.) All tanning device facilities shall be separated from activities or areas that may cause potential contamination of tanning device surfaces.
- g.) Effective measures shall be taken to protect against entrance into the facility against the breeding or present on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the facility.
- h.) There shall be adequate space for the customer to easily enter and exit from the tanning device.
- i.) The facility and tanning device area shall be well ventilated and be provided with an adequate artificial light source.
- j.) No animals shall be allowed in a tanning facility except service animals used by persons with disabilities.
- k.) At least one covered waste receptacle shall be provided in each tanning device area. Receptacles with waste in them shall be emptied daily. Receptacles shall be kept clean.
- l.) Disposable paper towels or a clean cloth towel shall be provided for each tanning device. If paper towels are used, they shall be stored to prevent contamination. If cloth towels are provided, they shall be mechanically washed with detergent and mechanically dried after each use. The cloth towels must be stored in a dry, clean environment to prevent contamination.

P. REQUIREMENTS FOR EQUIPMENT

1. The facility shall use only tanning equipment manufactured and certified to comply with 21 CFR Part 1040, Section 1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products", in tanning facilities. Compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR Part 1010 Section 1010.3.
2. The facility shall use only tanning equipment that has a timer which complies with the requirements of 21 CFR Part 1040, Section 1040.20(c)(2). The timer shall be incorporated in the tanning device. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time.
3. The facility shall ensure that protective acrylic sheets are in place when a tanning device is in use, except that the protect acrylic may be sleeves over the lamps in the upper portion of a device or over lamps in booth devices.

4. The operator shall maintain the following information at the facility for each tanning device:
 - a.) Manufacturer's equipment/operators manual and any service-related material.
 - b.) Inspections, maintenance, and notifications performed on the tanning device, including dates of service and dates of bulb replacement. Device records shall be maintained for three years.

Q. REQUIREMENTS FOR TUBES - BULBS - LAMP REPLACEMENT

1. The facility shall replace tubes, bulbs or lamps at the frequency recommended by the manufacturer or when the tubes, bulbs or lamps become damaged or defective. A replacement lamp for a tanning unit shall be compatible with the original lamp as specified by the manufacturer of the unit or shall be substantially equivalent to the manufacturer's original lamp type. In this section, "substantially equivalent" means within 10% of the UV-B emission of the original lamp and meeting the performance requirements of the U.S. Food and Drug Administration in 21 CFR 1040.20(c)(1).
2. No tube, bulb or lamp designated for medical use only may be used at the facility.
3. The operator shall maintain the following information:
 - a.) A record of the dates on which tubes, bulbs or lamps were replaced.
 - b.) Each tanning device's manufacturer's literature indicating the rating, output or intensity of the tube, and lamp or bulb required for replacement.

R. ADVERTISING - PROHIBITED CLAIMS

1. A tanning facility shall not state in any advertising that the tanning facility holds a license to operate.
2. An owner or employee of a tanning facility shall not claim, or distribute materials that claim that using a tanning device is free of risk.
3. A tanning facility shall not state in any advertising, written or verbal, that tanning is free of hazards from ultraviolet radiation or has any health benefits other than those recognized by a credible scientific or medical source.

(The following pages are supporting documents and references)

WARNING

DANGER - ULTRAVIOLET RADIATION

Follow Instructions.

Avoid too frequent or too lengthy exposure.

Like exposure to the sun, use of a tanning device can cause eye and skin injury and allergic reactions.

Repeated exposure can cause chronic sun damage, which is characterized by wrinkling, dryness, fragility and bruising of the skin, and skin cancer.

**WEAR FOOD AND DRUG ADMINISTRATION-
APPROVED PROTECTIVE EYEWEAR.
FAILURE TO WEAR PROTECTIVE EYEWEAR
MAY RESULT IN SEVERE BURNS OR LONG-
TERM INJURY TO THE EYES.**

Ultraviolet radiation from tanning devices will aggravate the effects of the sun, so do not sunbathe during the twenty-four hours immediately preceding or immediately following the use of a tanning device.

Medications and cosmetics may increase your sensitivity to ultraviolet radiation.

Consult a physician before using a tanning device if you are using medications, have a history of skin problems, or believe that you are especially sensitive to sunlight.

Women who are pregnant or using birth control pills and who use a tanning device may develop discolored skin.

If your skin does not tan when exposed to sun, it is unlikely that your skin will tan when exposed to this tanning device.

Tanning Facility Customer Application Form & Assurance of Notification

Avoid too frequent or too lengthy exposure. Like exposure to the sun, use of a tanning device can cause eye and skin injury and allergic reactions. Repeated exposure may cause chronic sun damage, which is characterized by premature aging of the skin, wrinkling, dryness, fragility and bruising of skin, and skin cancer. Over exposure to a tanning device causes burns.

I agree to wear Food and Drug Administration (FDA) approved eyewear. Failure to wear protective eyewear may result in damage to the customer’s eyes and may cause cataracts.

Ultraviolet radiation from tanning devices will aggravate the effect of the sun, so do not sunbathe during twenty-four hours immediately preceding or immediately following the use of a tanning device.

Abnormal skin sensitivity or burning of the skin while using a tanning device may be caused by: certain foods; certain cosmetics; and certain medications, including tranquilizers, diuretics, antibiotics, high blood pressure medications and birth control pills. Consult a physician before using a tanning device if you are using medication, have a history of skin problems, or believe you especially sensitive to sunlight. Women who are pregnant or using birth control and who use a tanning device may develop discolored skin. If your skin does not tan when exposed to sun, it is unlikely that your skin will tan when exposed to this tanning device.

I have read the information above and understand the tanning warning statement, and consent form.

Customer Printed Name (Print Legibly)		Date of Application	
Customer Signature	Customer Date of Birth	Phone Number	
Address			
City		State	Zip Code
In Case of Emergency (ICE) Contact Person (Printed Name)		ICE Phone Number	

(Customers under the age of 14 need documentation from a doctor, with signature, in order for them to use this facility.)

CUSTOMERS UNDER 18 YEARS OF AGE NEED A PARENT/GUARDIAN SIGNATURE
 Parent/guardian shall show facility operator a photo identification

Form expires one year from date of application.

Prior to expiration, new form shall be filled out, or this form may be used if signed and dated along with operator signing and dating form under original signature/date or on the back of this form.

My signature confirms that: (1) I am the legal parent or guardian of this applicant, (2) I have read the warning statement above, and (3) Applicant/customer agrees to wear the FDA approved eyewear.

Parent/Guardian Printed Name (Legible)	Parent/Guardian Signature	Date
---	----------------------------------	-------------

As the facility operator reviewing this application I have: (1) Reviewed the application and other requirements per these rules and regulations with the customer and parent/legal guardian; (2) Have noted customer’s date of birth on form; (3) Have seen parent/legal guardian’s photo identification, and (4) Have checked for a customer and parent/legal guardian’s legible printed name and date of application.

	yes/no		
	yes/no		

****Sanitizer solution concentration must be measured upon initial dilution and at least daily thereafter.****

Tanning Injury/Illness Report

Facility Name:		Date:	
Address:			
City:	State:	Zip Code:	
Telephone Number:		Fax Number:	

Please complete the following information regarding the affected individual and injury:

First Name:	Last Name:
Date of the sunburn injury:	
Describe the nature of the sunburn injury and duration of tanning exposure:	
Identify the tanning device(s) involved, if any, including room # and brand/model #:	
Name and address of health care provider, if any:	
Name of operator(s) on duty at the time of injury/illness:	
Disclose any other information considered relevant to the situation:	

If a customer of a tanning facility reports a sunburn injury to the facility resulting from the use of its tanning device, the owner shall provide the customer with written information on how to report the alleged injury to the inspecting agency, and the report shall be sent to the inspecting agency as soon as possible.



TANNING FACILITY LICENSE APPLICATION

Environmental Health Division
Lake Region District Health Unit (LRDHU)

The undersigned is familiar with provisions of the Lake Region District Health Unit (LRDHU) Tanning Facility Rules and Regulations as pertaining to the operation of a tanning facility in North Dakota. Failure to comply with the rules and regulations may result in the cancellation of this license. The undersigned also certifies that the facility for which application is made will be operated in compliance with the requirements of the above-mentioned rules and regulations. **Before operating this facility, you must contact LRDHU at 701.662.7035. Annual license fee: \$100.00**

This is a new facility This is a change in ownership

PLEASE PRINT LEGIBLY

Name of Facility			
Name of Owner		Telephone Number	
Mailing Address	City	State	Zip Code
Facility Address	City	State	Zip Code
Number of tanning devices in facility (this section must be completed or your application will be returned) _____			
Source of Water Supply: _____ Municipal _____ Private _____ Rural			
Type of Sewage Disposal System: _____ Municipal _____ Private _____ Rural			
IF THIS IS A CHANGE IN OWNERSHIP PLEASE PROVIDE THE FORMER FACILITY INFORMATION BELOW:			
Previous Facility Name	Previous Owner	Previous License Number	

Send application and license fee to:

Lake Region District Health Unit
Environmental Health Division
524 4th Ave NE – Unit 9
Devils Lake, ND 58301
Telephone: 701.662.7035

Signature of Owner/Manager

Date Signed

Accounting Use Only:

Date Received: _____
Amount Received: \$ _____
Cash, MO or CK #: _____

Environmental Health Use Only:

Approved: _____	Hold: _____
-----------------	-------------