



# TANNING RULES

**MUST BE DISPLAYED IN A CONSPICUOUS PLACE**

## Ohio State Board of Cosmetology

### (1) DEFINITION OF BOARD OF COSMETOLOGY

"The Board of Cosmetology", hereinafter referred to as the "Board", means those members appointed by the governor of the state in accordance with Chapter 4713 of the Revised Code who are vested with both statutory and discretionary authority. (Ref.: 4713.02)

### (2) WHO MUST COMPLY WITH RULES

These rules shall become effective the tenth (10) day after filing their final form with the Secretary of State and the Director of the Legislative Reference Bureau, as provided by Section 119.04 of the Revised Code. All rules promulgated under agency level 4713 of the Administrative Code shall apply to all types of licensed cosmetology facilities. (Ref 4713.12)

### (3) NECESSITY OF PERMIT

All tanning services provided by ultraviolet means for public consumption as defined in section 4713.25 of the Revised Code shall be performed in facilities duly approved and issued a permit by the "Board". Tanning permits are non-transferable. Tanning beds in residences used solely by the immediate family do not require a license. (Ref.: 4713-19-01)

### (4) INSPECTIONS

The board may appoint inspectors, as needed who shall make periodic inspections of tanning facilities as specified by the "Board". The "Board", after a hearing in accordance with Chapter 119. of the Revised Code, may suspend any permit where the owner or operator fails to correct any unsafe conditions that exist in violation of the rules of the "Board" or fails to cooperate in any inspection of tanning facilities by the inspector. (O.R.C. 4713.25 (F)). The most recent "Board" inspection form shall be posted in a publicly conspicuous place adjacent to the facility license. (Ref: 4713-19-05(F))

### (5) LICENSES / CONSPICUOUSLY DISPLAYED

(A) No person shall own or operate any tanning facilities that are offered to the public for a fee or other compensation unless the person holds a valid permit issued by the board. The permit holder shall post the permit in a conspicuous place on any premises where the tanning facilities are located. A person shall obtain a separate permit for each of the premises owned or operated by that person. (Ref.: O.R.C. 4713.25 (D))

(B) The board shall issue a permit to any person who files an application on a form prescribed by the board and pays to the treasurer of state the fee established by the board, if an initial inspection of the premises indicates the tanning facilities are installed and will be operated per the Revised Code and rules adopted by the "Board". (Ref.: O.R.C. 4713.25 (E))

(C) All tanning permit applications must contain a check payable to the "Treasurer State of Ohio " in the following amounts: (Ref.: 4713-19-03)

- 1) Original permit fees are sixty-five dollars.
- 2) Renewal permit fees are fifty dollars.

### (6) FLOOR PLANS

All tanning facility applications shall submit a drawing to the "Board" with the following:

- (1) The exact location of the tanning facility in relation to any living quarters;
- (2) The location of rooms/booths with tanning equipment;
- (3) The location of entrances, all doors, and windows;
- (4) Walls and partitions shall be non-transparent and of sufficient height and rigidity as to provide proper privacy;
- (5) Location of the tanning facility rest room(s). (Ref: 4713-19-10)

### (7) CHANGE OF OWNERSHIP

Tanning facility licenses are not transferable from one address to another or from one owner to another. A new tanning license application shall be filed within thirty days of any change of ownership. Existing tanning facilities are permitted to offer services during those thirty days while the application is processed and are subject to the "Boards" approval per rule 4713-1-06 of the Administrative Code. Any tanning facility with an administrative action pending cannot transfer a license until the administrative action is resolved. (Ref.: 4713-19-12)

### (8) RESIDENT TANNING FACILITIES

(A) Tanning facility rooms in a residential building and being used by consumers shall maintain a separate entrance which shall not open directly into any part of the dwelling including the garage.

(B) Mobile homes, motor homes, trailers or any type of recreational vehicle must be permanently set on a foundation and comply with other rules, in order for their rooms to be approved for tanning services. (Ref.: 4713-19-08)

### (9) DISPLAY OF SIGN

Every establishment licensed to provide tanning services shall display at its main entrance a sign of appropriate size which will be clearly visible from the street which states "tanning facility" or words having the same meaning, except that in the case of a tanning facility located within a department store, health club or athletic facility or shopping center, the sign may be displayed inside at the entrance to the tanning facility. (Ref.: 4713-19-07)

### (10) DRESSING ROOMS AND TOILET FACILITIES

All tanning facilities shall be equipped with dressing rooms and toilet facilities, which include a water closet and hand washing sinks, including hot and cold running water, pump soap, and a paper towel dispenser or equivalent hand drying equipment. All toilet facilities and dressing rooms shall be kept clean, sanitary, and functional at all times. (Ref.: 4713-19-06 (D))

### (11) SANITATION

No article or equipment shall be used or offered for use by a patron unless that article has first been sanitized with a viricidally effective product including all eyewear used by the patron. (Ref.: 4713-19-06 (A)) Walls, floors, and fixtures shall be sanitized and kept clean at all times in the entire tanning facility. (Ref.: 4713-19-06 (B))

### (12) TANNING UNITS

Each booth-type sunlamp product shall provide a handrail for use during operation of the tanning facility. Each tanning facility shall have, clearly marked, the appropriate position the user is to assume prior to operation and comply with all other applicable statutes and rules governing tanning equipment. Each booth must be housed in a separate room unless the booth also incorporates a dressing area in its design. (Ref.: 4713-19-04 (G)) Each tanning bed shall be located in a separate room with a lockable door to provide privacy. (Ref.: 4713-19-04 (A))

Salons with tanning facilities that are subsequently closed shall remove tanning beds from the view and access of the public. (Ref: 4713-19-13)

### (13) EMERGENCY CONTROL SWITCH

Each sunlamp product shall incorporate a control on the product to enable the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp. (Ref.: 4713-19-04 (D))

### (14) TIMERS

Each sunlamp product shall incorporate a timing device with multiple timer settings adequate for the manufacturer's recommended exposure intervals to produce the expected results. (Ref.: 4713-19-04 (B )) Each assembly of tanning equipment shall be equipped with a timer, which complies with the requirements of 21 CFR part 1040, Section 1040.20 (C)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error exceeding plus or minus ten per cent of the maximum timer interval for the product. (Ref.: 4713-19-04(C)) After April 1, 2001 each new tanning facility and after July 16, 2002 all facilities shall install remote timer controls such that clients who are tanning can not reset the timer from inside the tanning room/booth. (Ref.: 4713-19-04) The permit holder shall perform timer checks on beds with mechanical timers every time bulbs are changed and at least yearly. (Ref: 4713-19-05 (B) (6))

### (15) BULBS MUST BE SHIELDED

Each ultraviolet lamp contained within the sunlamp product shall be shielded so as to not come into any contact with the user. Two one-piece transparent covers, top and bottom, shall be used for this purpose and the covers shall not contain cracks or breaks in their surfaces. (Ref.: 4713-19-04 (F))

**(16) BULB REPLACEMENT / COMPATIBILITY**

The permit holder shall replace ultraviolet lamps, bulbs and filters at such frequency or after such duration of use as may be recommended by the manufacturer of such lamps, or bulbs, or filters; and these items shall be replaced as soon as they become defective or damaged. Only those lamps, bulbs or filters, meeting the requirements of the United States Food and Drug administration for any particular bed may be used in its operation, and the facility must maintain the manufacturer's recommendation on file in the facility. (Ref.: 4713-19-04 (J)) Each tanning bed shall have the UV bulbs installed such that the bulb information is readily available for the Board inspector to verify that information on the bulb matches the manufacturer's recommended bulb list. For any tanning device that does not meet this requirement the owner shall remove the shielding in order that the inspector can easily verify UV bulb compatibility. (Ref.:4713-19-04(K))

**(17) WARNINGS SHALL BE POSTED**

**(A)** The operator shall post signs, immediately adjacent to each unit of tanning equipment, warning consumers of the potential effects of radiation on persons taking medication and the possible relationship of radiation to skin cancer. (Ref.: 4713-19-05 (B)(5))

**(B)** Each sunlamp product shall prominently display the following label:

"DANGER -ULTRAVIOLET RADIATION. FOLLOW INSTRUCTIONS CAREFULLY. DO NOT ENTER WITHOUT PROTECTIVE EYEWEAR." (Ref.: 4713-19-04 (H))

**(18) PROTECTIVE EYEWEAR**

The permit holder shall provide protective eyewear to each consumer for use during any use of tanning equipment. This protective eyewear shall meet the requirements of 21 CFR part 1040, Section 1040.20 (C)(5). The permit holder shall ensure that the protective eyewear required by this rule is properly sanitized before each use, is not altered in any way, and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide such sanitizing and be adequate for the protection of the consumer's eyes. (Ref.: 4713-19-04 (E))

Each operator shall perform the following function as a precondition to access of the tanning facility to the public: The operator shall provide to each person desiring to use a tanning facility presanitized units and protective eyewear. (Ref.: 4713-19-05 (B)(1)) These rules mean the facility shall have free eyewear for customers use, which does not exclude the facility from offering eyewear for sale. Operators are responsible to ensure customer owned eyewear is also sanitized prior to use.

**(19) REGULATION OF TEMPERATURE**

Each tanning facility shall be so equipped to dissipate heat so that the interior temperature does not exceed one hundred degrees Fahrenheit or thirty-four degrees Centigrade. Every tanning room within the facility shall have a thermometer mounted at five feet above the floor. Adjacent to the thermometer shall be a sign that states: "Patrons shall not tan if temperature is at 100 degrees or higher. Please report excessive heat to the operator immediately". (Ref: 4713-19-04 (I))

**(20) TOWELS**

A clean, sanitary towel shall be provided to all patrons using tanning facilities. A closed dustproof cabinet must be provided for clean towels and linen; and a covered hamper or receptacle must be provided for all soiled towels and linen. (Ref.: 4713-19-06(C))

**(21) OPERATOR**

"Operator" and "employee" mean any person designated by the permit holder for the facility to assist and instruct the public in the correct operation of the tanning facility; an "operator" or "employee" who is under the age of eighteen shall be under the immediate supervision of a licensed cosmetologist, "operator" or "employee" who is at least eighteen years of age. (Ref.: 4713-19-02 (E))

Where applicable, each tanning facility shall have on duty at all times an operator trained per rule 4713-19-14 of the Administrative Code in the correct operation of the facility so as to be able to inform and assist the public in its proper use. Such operator shall be stationed in the immediate vicinity of any such equipment and closely monitor the services being provided to each patron. (Ref.: 4713-19-05 (A)) Each operator shall perform the following functions as a precondition to access of the tanning facility to the public:

**(1)** The operator shall provide to each person desiring to use a tanning facility presanitized units and protective eyewear.

**(2)** The operator shall establish the time period for the initial exposure and each subsequent exposure until the time for the individual has reached their maximum radiation level.

**(3)** The operator shall instruct the user on the position of the safety railing in booths; and the manual switching device to terminate the radiation in case of an emergency;

**(4)** A written report of any alleged tanning injury shall be forwarded to the "Board within five working days of its occurrence or knowledge thereof". (Ref: 4713-19-05 (B) & (E))

**(22) FLOOR COVERINGS**

The operator shall inspect the facility to ensure that the floors are dry. Floors are to be made dry prior to each individual's use. Non-absorbent and non-carpeted flooring or rubber or plastic mats shall be in place where the patron enters or exits the bed. These mats shall be sanitized after each patron's use. ( Ref.: 4713-19-05 (B)(4))

**(23) RECORDS KEEPING**

**(A)** The operator of a tanning facility shall maintain a record for each individual patron which includes dates exposed, length of exposure, and other required data. This record shall be completed and initialed by the patron prior to each tanning session, and must be kept on file for one year from the date of the patron's last exposure. The record shall include the following:

**(1)** Date of most recent exposure to UVA/UVB;

**(2)** Acknowledgment that the patron has reviewed the photosensitive drug list;

**(3)** Acknowledgment of receipt of protective eyewear;

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

**(5)** This record shall also include the following warning: "some harmful changes which may be caused by repeated overexposure to UVA / UVB radiation include cataracts, skin cancer, premature aging and possible photosensitive reactions when using perfumes, cosmetics and certain drugs, including some antibiotics and birth control pills."

**(6)** All customers shall have their skin type computed by a certified operator and annotated on their customer card, prior to their first tanning session. (Ref: 4713-19-09)

**(B)** If the patron is under eighteen years of age, the operator shall obtain the written consent from the parent or legal guardian of the patron prior to any tanning session. This written consent shall be signed at the licensed location, and shall specify the number of sessions consented to, and shall become part of the record of the patron. The minor patron may then alone sign the patron card for the remainder of the consented sessions. (Ref: 4713-19-09)

**(C)** Tanning facilities which maintain records on computer or data processing equipment may use a single data sheet for all patrons tanning in a single day provided that the data is then transferred daily to each individual's permanent file. (Ref.: 4713-19-09)

**(24) OWNER'S MANUALS**

Each tanning facility shall have an owner's manual for each tanning device, which is providing services to patrons. (Ref.: 4713-19-05 (D))

**(24) SINGLE PATRON OCCUPANCY**

Each assembly of tanning equipment shall be restricted for use by only one consumer at a time. No person, shall be permitted in any room where tanning equipment is operating, while someone else is tanning. (Ref.: 4713-19-05(C))

**(26) POLICY OF PROHIBITING ANIMALS**

Dogs (except dogs providing assistance to individuals with physical handicaps) cats, birds, or other animals shall not be permitted in a tanning facility. This definition does not include fish, in an aquarium, provided they are maintained in a sanitary condition. (Ref.: 4713-19-11)

**(27) TRAINING REQUIRED**

Salon owner desiring to train their own staff shall have their CE course certified by the "Board" (Ref: 4713-19-14)