

*****DRAFT - NOT FOR FILING*****

4713-19-09 Maintaining records.

- (A) The operator of a tanning facility shall maintain a record file for each individual patron seeking to use the sunlamp tanning service~~that includes dates the patron was exposed to ultra violet light, the length of exposure, and other required data as set forth in this chapter. 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~~ Each file shall include ~~the following:~~
- (1) Date of most recent exposure to UVA/UVB, including any dates provided by the individual documenting recent exposure in other tanning facilities;
 - (2) Acknowledgment that the patron 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 section 4713.50 (B) of the Revised Code and incorporated herein by reference~~reviewed the photosensitive safety warning;~~
 - (3) Acknowledgment of receipt of protective eyewear or that the individual will use their own approved eyewear;
 - (4) Acknowledgment that the patron individual has been advised of maximum exposure time for the session in the unit to which the patron individual has been assigned;
 - ~~(5)~~ (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)~~ (5) All customers 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 customer individual and shall produce the skin type at the request of an inspector or investigator from the board or at the request of ~~a patron~~ an individual.
- ~~(B)~~ (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 permitted location in front of a certified operator or attendant, 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.
- ~~(C)~~ (B) Tanning facilities which maintain records on computer or data processing equipment may use a single paper sign-in sheet for all patrons 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 patron's individual's permanent file.
- ~~(D)~~ (C) Tanning facilities which utilize electronic signatures and/or biometric customer identification (finger scanner) may utilize the electronic scan or electronic signature in place of the aforementioned paper

DRAFT - NOT FOR FILING

sign in sheet acknowledged in paragraph ~~(E)~~(B) of this rule, providing they demonstrate the system to be accurate.

~~(E)~~(D) Electronic or biometric devices 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 on this placard.

~~Warning: Some harmful changes which may result from repeated overexposure to UVA/UVB radiation includes: cataracts, skin cancers, premature aging of the skin, and possible photosensitive reactions when using certain perfumes, cosmetics and drugs including some antibiotics and birth control pills.~~

~~If you are 17 years old or younger, you must provide written consent signed by a parent or legal guardian. This consent form shall be a board approved form. The consent form shall be signed in the tanning facility in the presence of a certified operator.~~

~~I have been provided and agree to wear protective eye wear.~~

~~I have been provided and reviewed a copy of the photosensitive safety warning and agree that I am not taking any drugs or using any products that may have a photosensitizing effect with the use of ultraviolet tanning equipment.~~ Warning: 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, 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.

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 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.

*****DRAFT - NOT FOR FILING*****

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.

~~My finger scan will be viewed as my signature that I am in agreement with these statements and I have been instructed on the proper used of the tanning equipment."~~