

# City of Philadelphia



(Bill No. 130057)

## AN ORDINANCE

Amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new Chapter providing for the regulation of tanning facilities; amending Section 6-102, by adding definitions; and making technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 6 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 6. HEALTH CODE

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#### CHAPTER 6-100. GENERAL PROVISIONS

\* \* \*

§ 6-102. Definitions.

\* \* \*

*(37.1) Minor. Any person under eighteen (18) years of age.*

\* \* \*

*(40.1) Phototherapy device. Equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.*

\* \* \*

*(51) Tanning Equipment or Device. Equipment that emits ultraviolet (UV) radiation and is used for tanning of the skin, including but not limited to, a sunlamp, ultraviolet lamp, tanning booth or tanning bed. The term also includes any accompanying equipment such as protective eyewear, timers and handrails but does not include the following:*

*(a) Phototherapy devices utilized by appropriate health care professionals under the direct supervision of a physician trained in the use of phototherapy devices;*

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(b) *Devices used for personal use in a private residence; or*

(c) *Devices used to apply chemicals to the skin to achieve a bronze color, commonly referred to as spray-on, mist-on or sunless tans.*

(52) *Tanning Facility. Any place or business that provides consumers with access to tanning equipment or a tanning device for a fee, membership dues or any other form of compensation.*

[(51)] (53) \* \* \*

[(52)] (54) \* \* \*

[(53)] (55) \* \* \*

[(54)] (56) \* \* \*

## CHAPTER 6-1000. TANNING FACILITIES

### § 6-1001. Requirements.

(1) *Written Warning Statement. Every customer in a tanning facility shall be provided with a written warning statement requiring the customer's signature prior to initial exposure to any tanning equipment or device in the facility. The warning statement shall include the following wording:*

(a) *Failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes.*

(b) *Overexposure to ultraviolet light causes burns.*

(c) *Repeated exposure to ultraviolet light may result in premature aging of the skin and skin cancer.*

(d) *Abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain foods, cosmetics, or medications.*

(e) *Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.*

(f) *A person with skin that always burns easily and never tans should avoid a tanning device.*

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*(g) A person with a family or past medical history of skin cancer should avoid a tanning device.*

## *§ 6-1002. Restrictions on Use by Minors.*

*(1) No minor shall be permitted to use any tanning equipment or device in a tanning facility on any occasion unless he or she has the permission of and is accompanied by a parent or legal guardian.*

*(2) Prior to the initial use of any tanning equipment or device by a minor and every six (6) months thereafter, the owner or operator of the tanning facility shall provide the minor's parent or legal guardian with the written warning statement required by Section 6-1001 and shall witness, by the owner or operator's signature, the signing and dating of such statement by the minor's parent or legal guardian.*

*(3) In addition to the other restrictions, relating to minors, set forth in this Section, no person under fourteen (14) years of age shall be permitted to use any tanning equipment or device in a tanning facility without presenting to the owner or operator of the tanning facility the written permission of a licensed doctor of medicine or doctor of osteopathic medicine.*

*(4) Records. Records of signed warning statements shall be maintained for all minor customers of a tanning facility for no less than three (3) years.*

SECTION 2. This Ordinance shall become effective 60 days after it becomes law.

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### **Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 23, 2013. The Bill was Signed by the Mayor on June 5, 2013.



Michael A. Decker  
Chief Clerk of the City Council