

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2369

As Recommended by House Committee on
Health and Human Services

Brief*

HB 2369 would create the Kansas Tanning Facilities Act and would prohibit a tanning facility from providing access to a tanning device to any individual under 18 years of age. In addition to or in place of disciplinary action currently allowed under statute, the Board of Cosmetology would have authority to impose fines up to \$250 against a tanning facility licensee for each violation. The Board would be authorized to adopt rules and regulations under the Act.

Background

The bill was introduced during the 2015 Legislative Session by the House Committee on Appropriations. At the 2016 hearing before the House Committee on Health and Human Services, testimony in favor of the bill was provided by representatives of the University of Kansas Cancer Center, a surgical oncologist and representative of the Commission on Cancer, and two private citizens. Representatives of the University of Kansas Cancer Center and the Commission on Cancer testified that exposure to ultraviolet (UV) light during childhood and teenage years results in a higher risk of developing skin cancer as an adult, with an increased risk of malignant melanoma when a person utilizes a tanning device before the age of 35. Both representatives noted the World Health Organization's International Agency for Research on Cancer listed UV radiation and indoor tanning beds as a class I carcinogen. Both private citizens testified about being

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

diagnosed with melanoma and stated the use of a tanning bed in their youth was a contributing factor to their diagnoses.

Written only testimony in favor of the bill was provided by representatives of the American Cancer Society Cancer Action Network, American College of Surgeons, the Kansas Chapter of American Academy of Pediatricians, Kansas City Medical Society, Kansas City Surgical Society, Kansas Medical Society, Kansas School Nurses Association, Kansas Society of Eye Physicians and Surgeons, and two private citizens.

Testimony in opposition to the bill was presented by representatives of the American Suntanning Association. (One representative provided oral-only testimony.) The representatives testified that the legislation is unnecessary due to a rule proposed by the U.S. Food and Drug Administration (FDA) prohibiting the use of tanning devices in salons by clients under the age of 18, and neither this legislation nor the proposed federal rule addresses teenage access of unsupervised tanning devices at gyms, apartment complexes, or in homes.

Written-only neutral testimony was provided by a representative of the Kansas Department of Health and Environment. The testimony provided data on skin cancer and behavioral data of high school students as it relates to indoor tanning device use.

According to the fiscal note prepared by the Division of the Budget during the 2015 Legislative Session, the Board indicates additional revenues would be generated by the fine established in the bill. The amount of additional revenues cannot be estimated, as the Board is unable to estimate the number of violations that would occur if the bill were enacted. Any fiscal effect associated with the bill was not reflected in *The FY 2016 Governor's Budget Report*.