

**STATE
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 25, 2013)

Drafting Number: LLS 13-0443

Date: April 10, 2013

Prime Sponsor(s): Rep. Peniston
Sen. Tochtrop

Bill Status: Senate Health and Human Services
Fiscal Analyst: Kirk Mlinek (303-866-2756)

TITLE: CONCERNING RESTRICTING ACCESS BY MINORS TO ARTIFICIAL TANNING DEVICES.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
Cash Funds		
Tanning Device Education Fund	<\$1,000	<\$1,000
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature; the bill's provisions apply July 1, 2013.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

The **reengrossed** bill requires a minor who is 15 years of age or older, but who is not yet 18 years old, to have the consent of a parent or legal guardian, or a physician's prescription, prior to using an artificial tanning device at a registered facility. Unless withdrawn by a parent or legal guardian, a consent form is valid for 6 months. The bill prohibits the use of artificial tanning devices by minors under 15 years of age unless the use is prescribed by a physician.

The Department of Public Health and Environment (DPHE) is required to develop a standard consent form. The form must be made available on the DPHE web site and be available for download at no charge. The DPHE must establish guidance on required proof-of-age documentation to ensure that minors cannot access an artificial tanning device without proper consent.

The DPHE may assess a penalty of up to \$200 per day if it finds that an owner or operator has failed to comply with the bill's requirements. Penalty fees are credited to the Tanning Device Education Fund. The State Board of Health may adopt rules, at its discretion, to implement the bill.

State Revenue

Cash fund revenue is expected to increase less than \$1,000 under the bill. The bill allows the DPHE to assess a penalty of up to \$200 per day for owners or operators who fail to comply with the bill. Less than \$1,000 of such revenue is expected per year.

State Expenditures

State expenditures will not increase under the bill. The DPHE will develop a consent form and proof of age guidance within existing appropriations. The Department of Law will assist DPHE if the State Board of Health determines to initiate the rules promulgation process. This increase in workload is expected to be minimal and will be absorbed within existing appropriations.

The fiscal note assumes that actions brought against owners and operators of tanning facilities will be limited to the assessment of fines and that judicial action will not ensue. Should judicial action arise, the number of cases filed with the courts is expected to be minimal, and the courts will absorb the related increase in workload within existing appropriations.

Departments Contacted

Public Health and Environment

Judicial

Law