COLORADO
Department of Public Health & Environment
Dedicated to protecting and improving the health and environment of the people of Colorado

Application for Registration of Artificial Tanning Facilities

January 1, 2016 — December 31, 2016

Return completed application to:
Colorado Department of Public Health & Environment
Division of Environmental Health & Sustainability
4300 Cherry Creek Drive South, DEHS A2
Denver, CO 80246-1530

FOR STATE USE ONLY (DO NOT WRITE IN THIS SPACE)

Firm ID _____ Registration _____

Ck # _____ Amt _____ Date _____

The owner of any artificial tanning facility available for public use shall register said facility with the Colorado Department of Public Health and Environment, as required by 25-5-1004(1) of the Colorado Revised Statutes. The annual registration fee for each facility is One Hundred Twenty Dollars ($120), 25-5-1004(2) C.R.S. The annual registration fee shall be prorated on a monthly basis for any initial registration received after January 1 of any year ($10.00/month)

Type of ownership (as indicated on your Colorado Business/State Sales Tax Registration)

☐ Individual (you must complete the affidavit of legal residence and provide a notarized copy of your driver's license)
☐ General Partnership ☐ Limited Partnership ☐ Limited Liability Company ☐ Limited Liability Partnership
☐ Limited Liability Limited Partnership ☐ Corporation ☐ "S" Corporation ☐ Association ☐ Estate
☐ Government ☐ Joint Venture ☐ Trust ☐ Non-profit 501(c)(3) ☐ *Other non-profit (specify)* _____

1. Date you opened for business (MM/DD/YYYY): _____

2. Legal ownership/corporation name: _____

   Trade name or DBA (if different from above): _____

3. Physical address: _____
   Street Unit City State Zip

   Mailing address: _____
   Street or PO BOX Unit City State Zip

   Phone (_____) _____ Fax (_____) _____ Hours: _____

4. Owner name(s): _____ Owner phone: (_____) _____

   Owner email: _____

5. List contact person(s) responsible for tanning facility operation (on site):

   Name(s): _____ Contact phone: (_____) _____

6. Total number of beds/booths in this facility (do not include spray tan booths) _____

The registrant shall notify the Colorado Department of Public Health and Environment when making any change which would render the information contained in this application no longer valid.

Tanning Equipment: The registrant shall use only tanning equipment manufactured in accordance with the standards set forth in 21 Code of Federal Regulations, Part 1040, Section 1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products," as required by 25-5.1006(1) C.R.S.

Pursuant to Article 5 of Title 25, Colorado Revised Statutes, 1989 Repl. Vol., as Amended, the applicant certifies he/she has read and understands the provisions contained herein, and that all information contained herein is correct to the best of his or her knowledge.

Signature of Applicant (owner or manager) _____

Date: _____

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Please read this document. Failure to submit all completed documents as described below will delay the process for which this document (and supporting materials) is requested.

Subject: Implementation of C.R.S., 24-76.5-101, et. seq., "Restrictions on Public Benefits"(HB1023)

To Whom It May Concern,

All licenses, certifications, and registrations issued to individual owners or sole proprietors by the Colorado Department of Public Health and Environment must be accompanied by verification of citizenship. This requirement does not apply to you if you are not an individual owner or sole proprietor. Verification includes completing the enclosed affidavit and providing a notarized copy of an approved identification.

Approved identification includes:

- A valid Colorado driver's license or a Colorado identification card;
- A United States military card or a military dependent's identification card;
- A United States Coast Guard Merchant Mariner card;
- A Native American Tribal Document,

You may access a notary in your area by conducting an internet search for "public notaries."

C.R.S., 24-76.5-101, "Restrictions on Public Benefits" became effective August 1, 2006, and requires "each agency or political subdivision of the state" to verify the lawful presence in the United States of every applicant for public benefits. The law requires the verification of citizenship in order for persons eighteen years of age or older to receive certain benefits or obtain a license or certification from the department. If the recipient of the benefit is under eighteen years of age, the law does not apply.

If you need assistance in complying with this law or if there is additional information you feel we need to be aware of, please do not hesitate to contact the division at 303-692-3645, or email cpdcomments.cdphe@state.co.us

Sincerely,

Division of Environmental Health & Sustainability

Colorado Department of Public Health and Environment

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Affidavit – Restrictions on Public Benefits

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

I am a United States citizen, or

I am a Permanent Resident of the United States, or

I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Doing business as: _____

Address: _____

Street Unit City Zip

Return this form with a notarized copy of ID attached.

As a Notary Public in and for the state of _____, I do certify that I carefully reviewed the requested information set forth in this document, and that it is complete, full and true.

_____
(Notary official signature)

_____
(My commission expires)

House Bill 92-1169

by

Representatives Martin, Entz, R. Hernandez, Knox, Pankey, Sullivan, and S. Williams.; also Senators Fenlon, Groff, Mendez, and Pascoe.

Concerning Artificial Tanning Devices and Making an Appropriation Therefor.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Article 5 of title 25, Colorado Revised Statutes, 1989 repl.

Vol., as amended, is amended by the addition of a new part to read:

Part 10

Artificial Tanning Devices

25-5-1001. Short Title.
This Part 10 shall be known and may be cited as the "Artificial Tanning Device Operation Act".

25-5-1002. Legislative Declaration.
(1) The General Assembly hereby finds, determines, and declares that injuries may result from improperly supervised use of artificial tanning devices which expose the human body to ultraviolet radiation. Artificial tanning devices may emit more than ten times the amount of ultraviolet radiation than normal exposure to the sun. Injuries from intense exposure may result in cases of premature aging, adverse reactions to medication, skin burns, eye burns, retinal damage, formation of cataracts, precancers, and the promotion of several types of skin cancers including, but not limited to melanoma.
(2) The General Assembly further finds, determines, and declares that artificial tanning device users may be unaware of and lack access to information that they may experience a heightened photosensitivity to artificial tanning as a result of the use of medications such as birth control pills, antibiotics, high blood pressure medications, diuretics, and oral diabetes medications; commonly available cosmetics; and certain citrus products such as limes.
(3) The General Assembly further finds, determines, and declares that establishments which provide users with access to artificial tanning devices may fail to establish basic sanitary precautions against the transmission of communicable skin disorders, may fail to protect the user from either direct contact with bulbs or from shards of glass if a bulb explodes, and may fail to provide users with appropriate health or physical safety information.

25-5-1003. Definitions. as used in this Part 10, unless the context otherwise requires:
(1) "Artificial tanning device" means any equipment that emits ultraviolet radiation with wavelengths in the air between two hundred and four hundred nanometers and that is used for the tanning of human skin, including, but not limited to sunlamps, tanning beds, and tanning booths. "Artificial tanning device" does not include phototherapy devices.
(2) "Board" means the State Board of Health.
(3) "Department" means the Department of Health.
(4) "Fund" means the Artificial Tanning Device Education Fund created in section 25-5-1004.
(5) "Phototherapy device" means a piece of equipment that emits ultraviolet radiation and that is used by or under the supervision of a licensed health care professional in the treatment of disease.
(6) "Tanning facility" means any location, premises, place, area, structure, or business, whether permanent or mobile, which provides persons access to artificial tanning devices.
(7) "Ultraviolet radiation" means electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers.

25-5-1004 Registration Required - Fee - Artificial Tanning Device Education Fund - Creation.
(1) Commencing January 1, 1993, and on each January 1 thereafter, the owner of any artificial tanning facility which makes artificial tanning devices available for public use shall register said facility with the Department.

(2) The registration of each artificial tanning facility as required in subsection (1) of this section shall be accompanied by an annual registration fee for each artificial tanning facility in the amount of one hundred twenty dollars for each calendar year. The annual registration fee shall be prorated on a monthly basis for any initial registration received after January 1 of any year.
(3) All fees shall be collected by the Department and transmitted to the State Treasurer, who shall credit the same to the Artificial Tanning Device Education Fund, which Fund is hereby created. The Fund shall be comprised of the annual registration fees. in accordance with Sections 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the Fund shall be credited to the General Fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the Fund shall remain therein and shall not be credited or transferred to the General Fund or any other Fund. The moneys in the Fund shall be annually appropriated by the General Assembly to the Department for the direct and indirect costs of the administration and implementation of the provisions of this Part 10.

25-5-1005. Exemptions.
(1) The following devices are exempt from the requirements of this Part 10:
(a) Artificial tanning devices which are used exclusively for personal, noncommercial purposes, by the owner, members of the owner's family, or persons authorized by the owner to use the device;
(b) Phototherapy devices used by or under the supervision of a licensed physician or other licensed health care professional within the scope of such person's practice for the purposes of treating diseases; and
(c) Artificial tanning devices which are in transit or storage and are not made available for use during such transit or storage.
(2) Nothing in this Section shall be construed to mean that the Department endorses any type of artificial tanning device, any location of such devices, any business which provides artificial tanning devices for use by the public, or the use of any such devices.

25-5-1006. Rule-making Authority - Board.
(1) The standards established by the United States Food and
Drug Administration shall be the minimum standards for exposure to radiation through an artificial tanning device in this state; except that, the Board may establish rules adopting standards for exposure to radiation through artificial tanning devices which are no less stringent than the federal standards.
(2) (a) The Board may, by rule, adopt any further standards or regulations necessary to protect the public from unsafe artificial tanning devices or other unsafe equipment and from unsafe operational methods, and any such other rules and regulations as are necessary for the implementation of this Part 10.
(b) The Board shall formulate, adopt, and promulgate rules and regulations concerning on-site inspections of tanning facilities and the Department shall conduct such on-site inspections in accordance with the rules and regulations promulgated under this paragraph (b).

25-5-1007. Owner Responsibilities.
(1) The owner of each registered artificial tanning device shall provide to the Department, such information concerning the safe and proper operation of the owner's artificial tanning device as is required by this Part 10.
(2) The owner shall post a sign on the premises where the artificial tanning device is located which notifies operators and potential users of the safety and health risks associated with the use of such devices. The Board shall establish standards concerning the information to be contained in said notice, and the size and location of posting the notice on the premises. Said notice shall be of a size and in a location on the premises which allows it to be easily read by users before being exposed to the artificial tanning device.
(3) (a) The owner shall provide each user with a written handout as specified by the Board containing, at a minimum, the following information:
(i) The risks of potential negative health effects as a result of improperly supervised exposure to ultraviolet radiation and the general health and sanitation risks associated with the use of such devices;
(ii) The risks of potential negative health effects as a result of exposure to ultraviolet radiation while in poor health or on certain medications; and
(iii) Specific safety and operation information on the artificial tanning device which is to be used.
(4) The owner shall provide to users the safety equipment required by the Board.
(5) The owner shall provide and maintain such general sanitation and cleaning of equipment as required by the Board.

(6) The owner shall inform the Department of any accident or adverse reaction to the use of an artificial tanning device and provide such detailed information as required by the Department. A written report in the format required by the Department shall be submitted within fifteen days after discovery of the event. Any records, reports, or information obtained from a person pursuant to the provisions of this subsection (6) shall be closed and confidential.
(7) No owner, employee, or operator of any artificial tanning device or tanning facility shall advertise or promote that the use of any artificial tanning device is safe or without risk to the user, or that registration with the Department constitutes approval or endorsement of either the use of the device or the use of artificial tanning in general.

25-5-1008. Complaints - Investigation.
The Department shall have the authority to investigate complaints regarding any injury, accident, or the unsafe operation of an artificial tanning device.

25-5-1009. Penalties.
(1) Upon a finding by the Board that an owner or lessee of a tanning facility is in violation of any of the provisions of this Part 10, or the standards, rules, or regulations adopted by the Board pursuant to this Part 10, the Board may assess a penalty of up to two hundred dollars for each day of violation, and each day of violation shall be considered a separate offense. Actions may be brought by the Attorney General in the District Court of the district within which the tanning device is located, in determining the amount of the penalty, the Board shall consider the degree of danger to the public caused by the violation, the duration of the violation, and whether the owner or lessee has committed any similar violations. Any penalty fees collected by the Board shall be remitted to the State Treasurer, who shall credit the same to the Tanning Device Education Fund, created in Section 25-5-1004.
(2) An owner or lessee subject to a penalty assessment pursuant to this Section, may appeal the penalty to the Board by requesting a hearing before the Board. Such a request shall be filed within thirty days after the penalty assessment is issued. A hearing before the Board shall be conducted in accordance with Article 4 of Title 24, C.R.S.

25-5-1010. Enforcement.
(1) (a) Whenever the Department has reasonable cause to believe a violation of this Part 10 or any rule made pursuant to this Part 10 has occurred and immediate enforcement is deemed necessary, the Department may issue a cease and desist order, which may require any person to cease violating any provision of this Part 10 or any rule made pursuant to this Part 10. Such cease and desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions be ceased forthwith.
(b) In the event that any person fails to comply with a cease and desist order within twenty-four hours, the Department may apply to the District Court of the district within which the tanning device is located, for a temporary or permanent injunction restraining any person from violating any provision of this Part 10 regardless of whether there is an adequate remedy at law.
(c) No stay of a cease and desist order shall be issued before a hearing thereon involving both parties.
(2) Whenever it appears to the Department, upon evidence satisfactory to the Department, that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this Part 10 or of any rule or of any order promulgated under this Part 10, the Department may apply to the District Court of the district within which the tanning device is located to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this Part 10 or any rule or order promulgated under this Part 10. In any such action, the Department shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the Department to post a bond.
(3) It is a violation of this Part 10 for:
(a) Any person to knowingly operate a tanning facility without having registered said facility with the Department in accordance with the provisions of this Part 10;
(b) Any person to offer for use to the public any artificial tanning device which is not registered with the Department as required by the provisions of this Part 10;
(c) Any person to violate any provision of this Part 10 or any provision of any standards, rules, or regulations adopted by the Board;
(d) Any person to refuse to permit entry for the purpose of inspection of a tanning facility during normal business hours.

25-5-1011. Assumption of Risk Inapplicable.
In any civil action for damages for an injury sustained as the result of the use of an artificial tanning device, it shall be presumed that the defense of assumption of risk as set forth in Section 13-21-111.7, C.R.S., shall not apply if the

owner has failed to provide the injured party with the written handout or the safety equipment as required by Section 25-5-1007, or if the owner has failed to provide a safe artificial tanning device.

Consumer Warning

Danger -- Ultraviolet Radiation: Follow posted instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions.

- **Increased sensitivity to ultraviolet radiation may result if you are using the following photosensitizing classes of medications or cosmetics:**

  - Acne treatments
  - Antibacterials
  - Antibiotics
  - Anticonvulsants
  - Antidepressants
  - Antihypertensives
  - Dyes
  - Estrogen and progesterone
  - Melanogenics
  - Perfumes/toilet articles
  - Tranquilizers
  - Antihistamines
  - Antimicrobial/anti-infectious agents

To view a representative list of potential photosensitizing drugs, please ask the facility operator to see a copy of the "Medications That Increase Sensitivity to Light" guidance document, or consult your doctor.

- **Exposure to ultraviolet radiation may have negative health effects including:**

  - Increased risk of skin cancer/melanoma, especially when a painful blistering sunburn has occurred prior to age 18
  - Increased risk of skin thickening and premature aging
  - Possible activation of some viral conditions, such as cold sores
  - Possibility of skin burning or rashes, especially if using the above medications or many cosmetics.

- **Know your skin type! Different skin types react different when exposed to ultraviolet radiation. Reactions may vary from normal tanning in Skin Type VI (dark complexion) to burning in Skin Type I (fair/light complexion).**

If you do not tan in the sun, you are unlikely to tan from use of this product.

- **Protective eyewear is required with both ultraviolet-A (UVA) and ultraviolet-B (UVB) systems; closing your eyes is not sufficient. Failure to wear protective eyewear may result in severe burns or long-term injury to the eyes.**

- **Use of tanning devices is <u>not advised</u> if you:**

  - Are using photosensitizing medications
  - Have a history of sun sensitivity
  - Have a history of sun related skin problems
  - Are pregnant
  - Have a photosensitizing disease, melanoma or other forms of skin cancer.

DANGER
ULTRAVIOLET RADIATION

FOLLOW INSTRUCTIONS:

AVOID OVEREXPOSURE. AS WITH NATURAL SUNLIGHT, EXPOSURE CAN CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER.

WEAR PROTECTIVE EYEWEAR.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG TERM INJURY TO THE EYES

MEDICATIONS OR COSMETICS MAY INCREASE YOUR SENSITIVITY TO THE ULTRAVIOLET RADIATION. CONSULT A PHYSICIAN BEFORE USING A SUNLAMP IF YOU ARE USING MEDICATIONS OR HAVE A HISTORY OF SKIN PROBLEMS, OR BELIEVE YOURSELF TO BE ESPECIALLY SENSITIVE TO SUNLIGHT.

IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN FROM THE USE OF THIS PRODUCT.

List of Photosensitizing Medications

Persons taking any of the medications below may need to consult a physician before tanning.

Antihistamines

Astemizole	Cyclizine	Hydroxyzine	Pyrilamine
Azatadine	Cyproheptadine	Meclizine	Terfenadine
Brompheniramine	Dexchlorpheniramine	Methapyrilene	Trimeprazine
Buclizine	Dimenhydrinate	Methdilazine	Tripelenamine
Carbinoxamine	Diphenhydramine	Orphenadrine	Tripolidine
Chlorpheniramine	Diphenylpyraline	Pheniramine	
Clemastine	Doxylamine	Promethazine	

Coal tar and derivatives

Alphosyl	DOAK Shampoo	T/Derm Tar Emollient
Aquatar Medotar	Estar	T/Gel Therapeutic Shampoo
Denorex Med. Shampoo	Ionil T. Plus	Tegrin Shampoo
DHS Tar Gel Shampoo	LAVATAR	Zetar Shampoo

Contraceptives (oral & estrogens)

Estrogens		**Progestogens**	
Diethylstilbestrol	Estrogens, conjugated	Ethinyl estradiol	Norethindrone
Estopipate	Estrogens, esterified	Medroxyprogesterone	Norgestrel
Estradiol		Megestrol	Quinestrol

NSAID's (non-steroidal anti-inflammatory drugs)

Diclofenac	Flurbiprofen	Naproxen	Sulindac
Diflunisal	Ibuprofen	Phenylbutazone	Suprofen
Estrogens	Ketaprofen	Piroxican	Tolmetin
Fenoprofen	Meclofenamate	Progestogens	

Phenothiazines

Acetophenazine	Fluphenazine	Piperacetazine	Thiethylperazine
Butaperazine	Mesoridazine	Prochlororperazine	Thioridazine
Carphenazine	Methdilazine	Promazine	Trifluoperazine
Chlorpromazine	Methotrimeprazine	Promethazine	Triflupromazine
Ethoproprazine	Perphenazine	Propiomazine	Trimeprazine

Sulfonamides

Acetazolamide	Sulfadoxine	Sulfapyrazone
Sulfacytine	Sulfamethizole	Sulfasalazine
Sulfadiazine	Sulfamethoxazole	Sulfisoxazole

Sulfonylureas

Acetohexamide	Glipizide	Tolazamide
Chlorpropamide	Glyburide	Tolbutamide

Thiazide Diuretics

Bendroflumethiazide	Chlorothiazide	Hydroflumenthiazide	Trichlormethiazide
Benzthiazide	Cyclothiazide	Methyclothiazide	
Chlorothalidone	Hydrochlorothiazide	Ploythiazide	

Tricyclic Antidepressants

Amitriptyline	Desipramine	Imipramine	Protyiptyline
Amoxapine	Doxepin	Nortriptyline	Trimipramine

Other photosensitizing agents

Antifungals (Fentichlor, Jadit); antimicrobials or antiseptics (Bithionol, Chlorhexidine); artificial sweeteners Cyclamates); coal tar and derivatives for psoriasis and chronic eczema in shampoo (Anthracene, phenolic agents); certain cosmetics and dyes (Acridine, Fluorescein, Methyl blue/violet, Trypaflavin); deodorant and bacteriostatic agents in soaps (Halogenated carbanilides/phenols); fluorescent brightening agent for cellulose, nylon, or wool fibers (Blankophor); herbal supplements (Ginko Biloba, St. John's Wort); melanogenics (furocoumarins--petroleum products); perfumes and toilet articles (essential oils—cedar, citron, lavendar); perfumes and colognes (flavoring/spices—Rutaceae, Umbelliferae); psoralens (Methozsalen, Triozsalen); tattoos (Cadmium sulfide)

COLORADO
Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Artificial Tanning Facilities
Accident Report Form

Mail completed injury report to:
Colorado Department of Public Health and Environment
Division of Environmental Health & Sustainability
4300 Cherry Creek Drive South, A2
Denver, CO 80222-1530

The owner of an artificial tanning facility is required under the provisions of C.R.S. 25- 5-1007(6) to file a written report of any accident or adverse reaction caused by the use of any artificial tanning device within fifteen (15) days after discovery of the event to the Colorado Department of Public Health and Environment.	Adverse reaction may include but not be limited to the following types of incidents: a painful blistering burn, communicable skin and eye disease, skin cancer, eye injuries, cataract, etc.

1. Name of affected individual: _____

2. Facility Name: _____

3. Facility address: _____

4. City: _____ ZIP _____ Telephone (_____) _____

5. County in which facility is located: _____

6. Name Owner/Registrant: _____

7. Identification of specific tanning equipment involved:

   Manufacturer: _____ Model No: _____

8. Date of injury: _____ Duration of exposure in minutes: _____

9. Name of attending physician or other health professional:

   _____

10. Nature of actual injury or adverse reaction (use additional sheet of paper if needed):

_____

_____

_____

_____

_____

11. If the tanning device was not responsible for the accident or adverse reaction, please explain:

_____

_____

_____

_____

_____

_____

Please be advised under the provisions of C.R.S. 25-5-1007(6) "…Any records, reports or information obtained from a person pursuant to the provisions of this part (6) shall be closed and confidential."

Owner Signature_____ Date _____