

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1154

2007 HOUSE HUMAN SERVICES

HB 1154

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1154

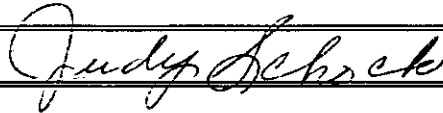
House Human Services Committee

Check here for Conference Committee

Hearing Date: January 10, 2007

Recorder Job Number: 877

Committee Clerk Signature



Minutes:

Chairman Price: We will open the hearing on HB 1154.

Representative Keiser District 47: This bill is a Wisconsin bill. The first section we talk about permit and a fee. We talk about advertising, failure to wear eye protection. We need to put some responsibility on the facility.

Senator Ralph Kilzer: District 47 in Bismarck. See attached with amendments.

Dr. William Cornatzer: I am a certified dermatologist in Bismarck ND. I have been practicing here for 22 years. My son and I were basically the two that did the leg work for this bill. My son is in medical school and can't be here to testify. In the past 5 years approximately 19 different states have submitted legislation to try to regulate the tanning industry, in effect of minors having the ability to get and have access to tanning beds. No one under 18 should be allowed with out parent consent. There should also be a warning label on the booths, and there should be a law saying they are not allowed to say they are safe. It is a known fact that ultra light causes cancer. We are seeing an epidemic of melanoma, a fatal skin cancer if deep in the skin. It is as high a rate of death as people using tobacco. On an average I take out 5-10 melanomas a month. I hope the committee will think about and pass this bill to protect our children's health. Over half the tanning facilities have no regulations at all. There is

medications where you should not get sun light, and they have come into the emergency rooms with sever burns. In France you can drink at 12, but you can't go to a tanning bed until they are 18. This is to try and protect their children. See information attached.

Dr Todd Twogood: President of ND American Academy of Pediatrics. I am a pediatrician in Bismarck ND. See attached. I am here to show support for the bill

Dr. Denise DForte: I am a dermatologist in Bismarck. We are seeing a tremendous increase in melanoma. Any tanning does damage to the skin. It is proven that tanning in a booth is much more damaging than out doors. We should try to prevent cancer. If there are to be changes on this bill it should be more stringent.

Kenan Bullinger: Director of Division of food and Lodging for ND Department of Health. See attached testimony. I have neutral testimony to HB 1154.

Representative Porter: Is it possible for your agency to contract with local health units or local inspectors.

Mr. Bullinger: That is currently the way we do it. I did notify them that this may be coming their way. Most are receptive. We have vehicles in place that inspect and collect.

Mary Ann Foss, Director of the Division of Cancer Prevention and Control of the ND Department of Health: See attached testimony.

Heidi Heitkamp, representing the Indoor Tanning Association: See Attached testimony. Currently the FDA does regulate these machines. We are also seeing more melanoma because we are testing more. In the back of my testimony is a spread sheet on how minors are monitored in other states. It is a parent's responsibility not ours I would be happy to work with the committee to get the bill implemented. Most that is in here is common sense. The beds are regulated not the facility.

Chairman Price: Any opposition?

Sue Blair, a salon owner in Bismarck: I am not completely against the bill. I do think we need to be regulated. I do support Heidi on what she is asking for. We provide sun screen and I regulate all of my people on the length of time and how often.

Jeri Heiser, Owner of two tanning facilities. I employ 15-25 people. Smarttan.com has very much information for you to help you with this bill. We have a log book to monitor our clients. Some of my beds have a higher UV. We do not allow them to tan for 48 hours. Moderation is the key. I will invite any of you a tour at my facility on tanning devices

Representative Schneider: Tanning devices must be accurate. Have you had any problems?

Ms. Heiser: The first time you tan, we do a skin analysis. We have total control about time. We set the time, and it can not be changed. I think it is important for tanning facilities to have a computer.

Chairman Price: We will close the hearing on HB 1154.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1154

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1236 and 1237

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: Let's open HB 1154

Heidi Heidkamp purposed amendments See attached.

The committee discusses an in home tanning bed where a parent allows a 12 year old to use.

Are we trying to solve a problem we don't have. Also is it our problem or the parents as to when a child can use a tanning bed.

Representative Schneider moves a do pass as amended. **Second by Representative**

Conrad. Vote was 8 yeas, 3 nays and one absent. The bill RR/Appropriations.

Representative Schneider to carry to the floor.

FISCAL NOTE
Requested by Legislative Council
 04/18/2007

Amendment to: Engrossed
 HB 1154

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$32,281		\$30,027
Expenditures				\$32,281		\$30,027
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Department of Health to regulate tanning facilities within the state of North Dakota. Currently this group of providers is not regulated. The costs included in this fiscal note include staff time for rules development and inspection of approximately 250 tanning facilities.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no mention in the proposed legislation that inspections of tanning facilities are mandated with passage of the law. However, the department is mandated to enforce the provisions of the law and any rules promulgated to further enforce. In order to enforce this chapter the department would need to conduct routine inspections. For purposes of this fiscal note, I used one annual inspection as a basis for inspection and permitting costs. Two inspections per year would not be out of line. The Senate has added language that allows the Health Department to deposit the funds into our operating account and waive fees that are subject to local jurisdiction.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill allows the department to establish a fee for a permit to operate a tanning facility. Included in Engrossed HB 1004 is language that allows these fees to be deposited into the department's operating fund similar to our food and lodging inspection fees.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 1,180 hours per biennium of staff time or about a .5 FTE for rules development, implementation, salary and operating costs. It is anticipated that the costs during the 2007-2009 biennium would be \$32,281.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be approximately \$30,027 for the biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Funds for this project are included in the Department's Appropriation bill (Engrossed HB 1004) as amended by the House.

Name:	Kathy J. Albin	Agency:	Department of Health
Phone Number:	328.4542	Date Prepared:	04/18/2007

FISCAL NOTE
 Requested by Legislative Council
 03/01/2007

Amendment to: Engrossed
 HB 1154

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$32,281		\$30,027
Expenditures				\$32,281		\$30,027
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Department of Health to regulate tanning facilities within the state of North Dakota. Currently this group of providers is not regulated. The costs included in this fiscal note include staff time for rules development and inspection of approximately 250 tanning facilities.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no mention in the proposed legislation that inspections of tanning facilities are mandated with passage of the law. However, the department is mandated to enforce the provisions of the law and any rules promulgated to further enforce. In order to enforce this chapter the department would need to conduct routine inspections. For purposes of this fiscal note, I used one annual inspection as a basis for inspection and permitting costs. Two inspections per year would not be out of line. The Senate has added language that allows the Health Department to deposit the funds into our operating account and waive fees that are subject to local jurisdiction.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill allows the department to establish a fee for a permit to operate a tanning facility. Included in Engrossed HB 1004 is language that allows these fees to be deposited into the department's operating fund similar to our food and lodging inspection fees.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 1,180 hours per biennium of staff time or about a .5 FTE for rules development, implementation, salary and operating costs. It is anticipated that the costs during the 2007-2009 biennium would be \$32,281.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be approximately \$30,027 for the biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Funds for this project are included in the Department's Appropriation bill (Engrossed HB 1004) as amended by the House.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	03/01/2007

FISCAL NOTE
 Requested by Legislative Council
 02/15/2007

REVISION

Amendment to: HB 1154

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$32,281		\$30,027
Expenditures				\$32,281		\$30,027
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Department of Health to regulate tanning facilities within the state of North Dakota. Currently this group of providers is not regulated. The costs included in this fiscal note include staff time for rules development and inspection of approximately 250 tanning facilities.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no mention in the proposed legislation that inspections of tanning facilities are mandated with passage of the law. However, the department is mandated to enforce the provisions of the law and any rules promulgated to further enforce. In order to enforce this chapter the department would need to conduct routine inspections. For purposes of this fiscal note, I used one annual inspection as a basis for inspection and permitting costs. Two inspections per year would not be out of line.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill allows the department to establish a fee for a permit to operate a tanning facility. Included in Engrossed HB 1004 is language that allows these fees to be deposited into the department's operating fund similar to our food and lodging inspection fees.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 1,180 hours per biennium of staff time or about a .5 FTE for rules development, implementation, salary and operating costs. It is anticipated that the costs during the 2007-2009 biennium would be \$32,281.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be approximately \$30,027 for the biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

Funds for this project are included in the Department's Appropriation bill (Engrossed HB 1004) as amended by the House.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	02/16/2007

FISCAL NOTE
 Requested by Legislative Council
 02/05/2007

Amendment to: HB 1154

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$32,281		\$30,027	
Expenditures			\$32,281		\$30,027	
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Department of Health to regulate tanning facilities within the state of North Dakota. Currently this group of providers is not regulated. The costs included in this fiscal note include staff time for rules development and inspection of approximately 250 tanning facilities.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no mention in the proposed legislation that inspections of tanning facilities are mandated with passage of the law. However, the department is mandated to enforce the provisions of the law and any rules promulgated to further enforce. In order to enforce this chapter the department would need to conduct routine inspections. For purposes of this fiscal note, I used one annual inspection as a basis for inspection and permitting costs. Two inspections per year would not be out of line

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill allows the department to establish a fee for a permit to operate a tanning facility. Since the bill is silent with regard to the deposit of that fee, it would be deposited into the general fund. An alternative to this would be to deposit these fees into the department's operating fund similar to our food and lodging inspection fees.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 1,180 hours per biennium of staff time or about a .5 FTE for rules development, implementation, salary and operating costs. It is anticipated that the costs during the 2007-2009 biennium would be \$32,281.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be approximately \$30,027 for the biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

Funds for this project are not included in the Department's Appropriation bill (HB 1004). The department would need these funds appropriated as well as a .5 FTE to carry out these responsibilities. If the department obtains authority to deposit the fees into the department's operating fund a special fund appropriation would be needed rather than a general fund appropriation.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/05/2007

FISCAL NOTE
 Requested by Legislative Council
 01/05/2007

Bill/Resolution No.: HB 1154

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$74,583		\$77,003	
Expenditures			\$74,583		\$77,003	
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Department of Health regulate tanning facilities within the state of North Dakota. Currently this group of providers is not regulated. The costs included in this fiscal note include staff time for rules development and inspection of approximately 650 tanning facilities.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no mention in the proposed legislation that inspections of tanning facilities are mandated with passage of the law. However, the department is mandated to enforce the provisions of the law and any rules promulgated to further enforce. In order to enforce this chapter the department would need to conduct routine inspections. For purposes of this fiscal note, I used one annual inspection as a basis for inspection and permitting costs. Two inspections per year would not be out of line

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

A fee for a permit to operate a tanning facility is not addressed in this bill; however it does allow the department to establish a fee. We would collect a fee that would be equal to the cost of the program. The revenue would be deposited into the general fund. An alternative to this would be to deposit these fees into the department's operating fund similar to our food and lodging inspection fees.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 2,800 hours per biennium of staff time or about a .75 FTE for rules development, implementation, salary and operating costs. It is anticipated that the costs during the 2007-2009 biennium would be \$74,583.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be approximately \$77,003 for the biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Funds for this project are not included in the Department's Appropriation bill (HB 1004). The department would need these funds appropriated as well as a .75 FTE to carry out these responsibilities.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/09/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1154

On page 3, remove lines 8 and 9

On page 3, line 10, remove "replaced."

On page 3, line 11, after "replaced" insert ". and that record shall be made readily available to any customer who requests that information"

On page 3, remove lines 19 and 20 and insert the following:

- a. A customer under eighteen years of age shall not be permitted to use the tanning facility until such customer provides the facility with written consent, in a form prescribed by the Department, of a parent or legal guardian to use such tanning facility. The consent shall indicate that the parent or guardian has read the warnings required by this chapter and that the customer agrees to wear protective eyewear. The parent or legal guardian shall sign the consent form in the presence of the owner of the tanning facility or an employee responsible for the operation of the ultraviolet radiation device of the facility. The written consent form shall expire 12 months from the date signed. No customers under the age of 14 shall be allowed to utilize a tanning device at a tanning facility without a written order from a physician licensed in this state and customers under the age of 14 must be accompanied by a parent or legal guardian for every use of the tanning facility.

On page 3, line 28, remove "A customer, before using a tanning device, is provided with properly" with "Properly"

On page 3, line 27 after "balance" insert "is made available to the customer"

On page 3, line 28 replace "uses" with "agrees to use FDA approved"

How the amendments will look in text

Amendment number 1. Subsection 4 on line 8 will become:

4. The tanning facility shall maintain a record of the date on which each fluorescent tube is replaced and that record shall be made readily available to any customer who requests that information.

Amendment number 2. Subsection 1.a. on lines 19 and 20 of page 3 will become:

- b. A customer under eighteen years of age shall not be permitted to use the tanning facility until such customer provides the facility with written consent, in a form prescribed by the Department, of a parent or legal guardian to use such tanning facility. The consent shall indicate that the parent or guardian has read the warnings required by this chapter and that the customer agrees to wear protective eyewear. The parent or legal guardian shall sign the consent form in the presence of the owner of the tanning facility or an employee responsible for the operation of the ultraviolet radiation device of the facility. The written consent form shall expire 12 months from the date signed. No customers under the age of 14 shall be allowed to utilize a tanning device at a tanning facility without a written order from a physician licensed in this state and customers under the age of 14 must be accompanied by a parent or legal guardian for every use of the tanning facility.

Amendment number 3. Subsection 1.d. on lines 25 through 27 of page 3 will become:

- d. Properly sanitized securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance is made available to the customer.

Amendment number 4. Subsection 1.e. on lines 28 and 29 of page 3 will become:

- e. A customer is not allowed to use a tanning devise unless the customer agrees to use FDA approved protective eyewear.

Explanation of amendments

Amendment number 1: It is unclear what public health benefit would be arrived from posting the date on which the fluorescent bulbs were replaced. Because the bulbs become less intense with age, this subsection appears to be an increased regulation without any benefit to the public. The facilities are willing to maintain a log as to when the bulbs were replaced and make that information available to customers who are interested. This appears to be a good compromise.

Amendment number 2. The reasons for this amendment were discussed in the original testimony will not be repeated here. This proposed amendment is not identical to the amendment proposed in the original testimony. Rather this amendment addresses some of the comments that were made by the committee. In explanation, any customer 14 to 18 years of age would not be permitted to use a tanning device at a tanning facility unless that customer had the written consent of his or her parent or legal guardian. The amendment requires that that consent be given in writing in the presence of the owner of the facility or an employee and that the written consent will expire after 12 months. The initial amendment created a complete prohibition on the use of these devices by customers under the age of 14. However, I have since learned that occasionally physicians, for medical reasons, will recommend patients under the age of 14 use tanning devices. This amendment would allow customers under the age of 14 only with the written order of a licensed physician and only if that customer under the age of 14 was accompanied by a parent or legal guardian at every use.

Amendment number 3. This amendment clarifies that tanning facilities are not required to provide protective eyewear free of charge. Rather than using the words "provided with", the amendment requires that eyewear "be made available to the customer." This amendment addresses the health concerns of protective eyewear without putting an additional financial burden on the facilities.

Amendment number 4 This amendment clarifies that the customers must agree to use FDA approved protective eyewear

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1154

Page 4, after line 26, insert:

"23-39-07. Exception. Notwithstanding section 23-39-05, a customer under the age of sixteen may use a tanning facility if the use is under the order of a physician and the physician, tanning facility, and customer comply with an authorization protocol established by the department."

Page 4, line 27, replace "23-39-07" with "23-39-08"

Renumber accordingly

Date: 1/16
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1154 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move amendments w/ addition pass

Motion Made By Conrad Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman			Kari L Conrad		
Vonnie Pietsch - Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglen					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1/14
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1154 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move Page 2 21422 - Amendments

Motion Made By Porter Seconded By Weisz

Representatives		Yes	No	Representatives		Yes	No
Clara Sue Price - Chairman				Kari L Conrad			
Vonnie Pietsch - Vice Chairman				Lee Kaldor			
Chuck Damschen				Louise Potter			
Patrick R. Hatlestad				Jasper Schneider			
Curt Hofstad							
Todd Porter							
Gerry Uglen							
Robin Weisz							

Total (Yes) all 11 "Click here to type Yes Vote" No "Click here to type No Vote"

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

House Amendments to HB 1154 (70432.0102) - Human Services Committee 01/17/2007

Page 1, line 13, after "including" insert "food and drug administration-approved"

House Amendments to HB 1154 (70432.0102) - Human Services Committee 01/17/2007

Page 2, line 27, after "Wear" insert "food and drug administration-approved"

House Amendments to HB 1154 (70432.0102) - Human Services Committee 01/17/2007

Page 3, line 8, remove "A tanning facility shall post a sign in each area where a tanning device is used"

Page 3, remove line 9

Page 3, line 10, remove "replaced."

Page 3, line 11, after "replaced" insert "and that record must be made readily available to any customer who requests the information"

Page 3, line 19, replace "sixteen" with "eighteen" and replace "is not" with "may not be"

Page 3, line 20, after "facility" insert "until the customer provides the facility with written consent, in a form prescribed by the department, of a parent or legal guardian to use the tanning facility. The consent must indicate that the parent or legal guardian has read the warnings required by this chapter and that the customer agrees to wear food and drug administration-approved protective eyewear. The parent or legal guardian shall provide a notarized statement of consent or sign the consent form in the presence of the owner of the tanning facility or an employee responsible for the operation of the ultraviolet radiation device of the facility. The written consent form expires twelve months from the date signed. A customer under the age of fourteen years may not be allowed to utilize a tanning device at a tanning facility without a written order from a physician licensed in this state and without being accompanied by a parent or legal guardian for every use of the tanning facility"

Page 3, line 25, replace "A customer, before using a tanning device, is provided with properly" with "Properly"

Page 3, line 26, after "fitting" insert "food and drug administration-approved"

Page 3, line 27, after "balance" insert "is made available to the customer"

Page 3, line 28, replace "uses" with "agrees to use food and drug administration-approved"

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Page 4, line 21, after "use" insert "food and drug administration-approved"

Page 4, line 22, after "Use" insert "food and drug administration-approved"

Page 4, line 24, after the underscored comma insert "any physician, medical professional, or"

Renumber accordingly