

Resolution No.: 18-761
Introduced: April 4, 2017
Adopted: April 4, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation 17-16, *Tanning Facilities*, Department of Health and Human Services

Background

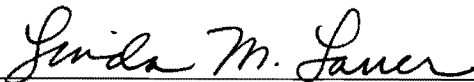
1. On March 1, 2017, the County Council received proposed Executive Regulation 17-16, *Tanning Facilities*, Department of Health and Human Services.
2. The Council must review the regulation under Method (2) of Section 2A-15 of the Code.
3. Under Method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, the regulation automatically takes effect. The Council may extend the time for consideration.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 17-16, *Tanning Facilities*, Department of Health and Human Services is approved.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Tanning Facilities	Number 17-16
Originating Department Department of Health and Human Services	Effective Date April 4, 2017

Montgomery County Department of Health and Human Services

Regulation on:

TANNING FACILITIES

Issued by: County Executive

Regulation No: 17-16

COMCOR No: 51A.00.01

Authority: Montgomery County Code (2014) Section 51A-11

Supersedes: Reg. No. 63-91

Council Review: Method (2) under Code Section 2A-15

Register Vol. 33 No. 7

Effective Date: April 4, 2017

Comment Deadline: July 31, 2016

SUMMARY: This regulation establishes requirements for operating a tanning facility and specifies sanitation and safety standards.

STAFF CONTACT: Clark Beil, Sr. Administrator
255 Rockville Pike, Suite 100
Rockville, Md. 20850
Phone: 240-777-3831

BACKGROUND INFORMATION: The current laws and regulations related to tanning facilities were originally established in 1987 and infrequently amended since then. General knowledge of the health risks associated with indoor tanning facilities has evolved over time, especially regarding the use of tanning facilities by minors.



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51A.00.01.01 Definitions

Terms defined in Montgomery County Code, Chapter 51A-1 are specifically incorporated herein and are not redefined.

51A.00.01.02 General Standards

- A. All floors, walls, and ceilings shall be kept clean and in good repair.
- B. Auxiliary lighting providing at least 20 foot-candles of light must be provided during cleaning times.
- C. All tanning rooms must be adequately ventilated to keep them reasonably free from excessive heat.
- D. If linens are provided, separate facilities must be provided so that clean materials are not stored in the same location as dirty or used materials.
- E. Hooks or lockers must be provided in each tanning room for patrons to store their clothes while using the facility.
- F. If beds or booths are not private, a changing room must be provided for patrons to change their clothes.
- G. There must be at least one attendant for each 10 beds or fraction of 10 beds.

51A.00.01.03 Bathrooms

- A. At least one bathroom must be provided at each facility for patron use.
- B. The following fixtures must be provided:
 - 1. Toilet.
 - 2. Hand sink.
 - 3. Soap Dispenser.
 - 4. Towel Dispenser for Individual Disposable Hand Towels.
 - 5. Toilet Tissue Rack.
- C. The bathroom and fixtures must be kept clean and in good repair.
- D. A supply of toilet tissue, hand towels and hand soap must be provided at all times. Easily cleanable receptacles must be provided for waste materials.

51A.00.01.04 Training of Attendants

- A. The owner of the facility must assure that the attendant has been trained in:
 - 1. The operation of all equipment and safety aids.
 - 2. The need for and the proper wearing of protective eyewear.
 - 3. The maximum recommended exposure times and distances according to the manufacturer.
 - 4. Injury recognition.
 - 5. Emergency procedures.



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6. The effects and mode of action of ultraviolet light including the specific wave length used by the facility's equipment.

7. Procedures for verifying that patrons are at least 18 years of age.

B. The facility must have on file with the Department a copy of the outline of the current training program for attendants.

C. A log must be maintained on the premises containing the name of each attendant and the specific training that each has completed together with the number of hours of training. The log must be signed and dated by the person who provided the training.

51A.00.01.05 Sanitization and Cleaning

A. Each tanning device that comes into direct contact with a customer must be sanitized with an approved sanitizer after each use.

B. Tanning rooms must be cleaned at least once a day.

C. Bathrooms must be kept clean. At a minimum, they must be cleaned at least once a day and fixtures sanitized at least once a day.

51A.00.01.06 Injury Reports

A. Any injury or complaint of injury resulting from the tanning equipment must be reported by the facility to the Department on a form designated by the Department.

B. The facility must send the report to the Department with a copy to the injured person within 5 business days of the injury or complaint of injury.

51A.00.01.07 Record Keeping

The tanning facility must maintain records for each patron using the facility.

A. Such records must be safely preserved on the licensed premises for 2 years to insure accessibility for inspection by the Approving Authority.

B. The record must include the following:

1. Visit date.
2. Exposure time.
3. Attendant's name.
4. Name and address of patron.

51A.00.01.08 Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.



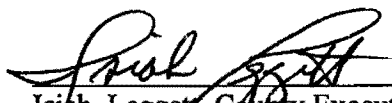
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51A.00.01.09 Effective Date

This regulation takes effect immediately after approval by the County Council.


Isiah Leggett, County Executive

Approved as to form and legality

 2/15/17
Office of the County Attorney / Date