



2023 SENATE BILL 261

May 2, 2023 - Introduced by Senators CABRAL-GUEVARA and SPREITZER, cosponsored by Representatives ROZAR, BALDEH, BINSFELD, CONLEY, GUNDRUM, O'CONNOR, PALMERI and SUBECK. Referred to Committee on Government Operations, Elections and Consumer Protection.

1 **AN ACT to renumber** 463.25 (3); **to amend** 463.25 (5) (intro.) and 463.25 (9) (a);
2 and **to create** 463.25 (3) (b) and (c) and 463.25 (5) (g) of the statutes; **relating**
3 **to:** regulation of tanning facilities.

Analysis by the Legislative Reference Bureau

This bill makes several changes to the regulation of tanning facilities. Under current law, no person may operate a tanning facility in this state without a permit issued by the Department of Safety and Professional Services. Tanning facilities are required to adhere to certain requirements established by statute and rules promulgated by DSPS. The bill makes the following changes to the regulation of tanning facilities:

1. Under current law, an owner of a tanning facility must ensure that no person under the age of 16 is permitted to use the tanning facility. The bill requires the owner of a tanning facility to ensure that no customer who is 16 or 17 years of age is permitted to use the tanning facility unless the customer's parent or guardian provides written authorization for the customer to use a tanning device.

2. The bill prohibits tanning facilities from advertising or distributing promotional materials that claim that using a tanning device is safe or free from risk or that the use of a tanning device will result in medical or health benefits.

3. Under current law, each tanning facility must prominently display a warning sign in each area where a tanning device is used that contains certain directions and information. The bill requires that the warning sign be at least 11 inches by 17 inches and that the warning sign provide a current telephone number for a customer to contact DSPS to report an injury.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 463.25 (3) of the statutes is renumbered 463.25 (3) (a).

2 **SECTION 2.** 463.25 (3) (b) and (c) of the statutes are created to read:

3 463.25 **(3)** (b) No tanning facility may advertise or distribute promotional
4 materials that claim that using a tanning device is safe or free from risk or that the
5 use of a tanning device will result in medical or health benefits.

6 (c) A tanning facility may only claim or distribute promotional materials that
7 claim that a tanning device is for cosmetic use only.

8 **SECTION 3.** 463.25 (5) (intro.) of the statutes is amended to read:

9 463.25 **(5)** WARNING SIGN. (intro.) Each tanning facility shall prominently
10 display a warning sign in each area where a tanning device is used. That sign shall
11 have dimensions of not less than 11 inches by 17 inches and shall convey the
12 following directions and information:

13 **SECTION 4.** 463.25 (5) (g) of the statutes is created to read:

14 463.25 **(5)** (g) A customer may contact the department to report an alleged
15 injury sustained at the tanning facility. The warning sign shall provide a current
16 telephone number that may be used to contact the department to report an alleged
17 injury.

18 **SECTION 5.** 463.25 (9) (a) of the statutes is amended to read:

19 463.25 **(9)** (a) No customer under 16 years of age is permitted to use the tanning
20 facility. No customer who is 16 or 17 years of age is permitted to use the tanning

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1 facility unless the customer's parent or guardian provides written authorization for
2 the customer to use a tanning device.

3 (END)