

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-40-2017

Chapter No. _____

Proposed and Presented by Council Member Lehman

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Tanning Facilities Regulation

3 For the purpose of restricting access to indoor tanning facilities to minors

4 BY repealing and reenacting with amendments:

5 SUBTITLE 2. ADMINISTRATION.

6 Section 2-117

7 The Prince George's County Code

8 (2015 Edition; 2016 Supplement).

9 BY adding:

10 SUBTITLE 12. HEALTH.

11 Section 12-206,

12 The Prince George's County Code

13 (2015 Edition; 2016 Supplement).

14 BY adding:

15 SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

16 Section 28-268

17 The Prince George's County Code

18 (2015 Edition; 2016 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Section 2-117 of the Prince George's County Code be and the same is hereby
21 repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.
DIVISION 4. BOARD OF APPEALS.

Sec. 2-117. Board of Administrative Appeals.

* * * * *
(b) County law which specifically grants the Board authority to hear appeals includes (but need not be limited to) the following:

* * * * *
SUBTITLE 12. HEALTH
Division 10. Tanning Facilities.

* * * * *
SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 12-206 of the Prince George's County Code be and the same is hereby added:

SUBTITLE 12. HEALTH.
DIVISION 10. TANNING FACILITIES.

Sec. 12-206. Tanning facilities.

(a) Definitions.

(1) "Tanning device" shall mean any equipment that emits radiation used for tanning of the skin, including sunlamps, tanning booths, or tanning beds.

(2) "Tanning facility" shall mean any place where a tanning device is used for a fee, membership dues, or other compensation.

(b) Prohibition.

(1) An owner, employee, or operator of a tanning facility shall not allow a minor under the age of 18 years to use a tanning device.

(c) Warning signs.

(1) A tanning facility must post a warning sign in any area where a tanning device is used.

(2) At a minimum, the sign must state that it is a violation in Prince George's County for a person under the age of 18 to use a tanning device and that the use of a tanning device may cause skin cancer and burns to the skin and eyes.

(3) The warning required by this section must be in conspicuous and legible type, printed in all capital letters, and printed in a size and manner so as to be clearly legible to

1 customers.

2 (d) Verifying documentation.

3 (1) The owner, employee, or operator of a tanning facility shall require appropriate
4 documentation to verify the age of an individual before allowing the individual access to a
5 tanning device.

6 (e) Civil penalty.

7 (1) The Health Department shall impose on a person who violates this section, civil
8 penalties under Section 28-268 of the County Code.

9 (f) Right of Entry

10 (1) The Health Department may inspect any tanning facility whenever it is open to
11 the public for business to determine whether the tanning facility meets the requirements of this
12 section.

13 * * * * *

14 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 28-268 of the Prince George's County Code be and the same are hereby
16 added:

17 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

18 **DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.**

19 **SUBDIVISION 2. SPECIFIC CIVIL PENALTIES PRESCRIBED.**

20 **Sec. 28-268. Violations by Tanning Facilities.**

21 (a) Any person who violates the provisions of Section 12-206 of the County Code shall,
22 upon citation issued pursuant to Subdivision 1, be deemed to have committed a civil violation
23 and shall pay to the County a civil monetary fine in the amount prescribed by Subsection (b) of
24 this Section.

25 (1) Each publication of a statement which constitutes a violation shall be a separate
26 and distinct civil violation subject to an additional citation and fine in the amount prescribed by
27 Subsection (b) of this Section.

28 (b) The civil monetary fine for each civil violation of the provisions enumerated in
29 Subsection (a) shall be Two Hundred Fifty Dollars (\$250.00), except as provided in Subsection
30 (c) of this Section.

31 (c) For a repeated civil violation, the following fines shall apply:

<u>2nd violation</u>	<u>\$500.00</u>
<u>Each subsequent violation</u>	<u>\$1,000.00</u>

1 (d) A tanning facility with more than three violations of this section in a three year period
2 shall have their use and occupancy permit revoked.

3 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby
4 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
5 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
6 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
7 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
8 Act, since the same would have been enacted without the incorporation in this Act of any such
9 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
10 or section.

11 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
12 calendar days after it becomes law.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.