

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

733S0077

## SENATE BILL NO. 117

Introduced by: Senator Adelstein and Representatives Magstadt, Feinstein, and Sly

1 FOR AN ACT ENTITLED, An Act to provide for certain restrictions for the use of tanning  
2 devices by minors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may permit a minor to use a tanning device at a tanning facility without the  
7 consent of a parent or legal guardian. A violation of this section is a Class 2 misdemeanor.

8 Section 2. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 The consent required pursuant to section 1 of this Act shall be evidenced by either of the  
11 following written documents:

- 12 (1) A notarized statement of consent signed and dated by a parent or legal guardian; or  
13 (2) A statement of consent signed and dated by a parent or legal guardian in the presence  
14 of any person responsible for the operation of the tanning device at the tanning  
15 facility.



1       Section 3. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       Terms used in this Act mean:

- 4       (1) "Tanning device," equipment that emits electromagnetic radiation having  
5           wavelengths in the air between two hundred and four hundred nanometers and that  
6           is used for tanning human skin. The term does not include a phototherapy device  
7           used by a physician licensed pursuant to chapter 36-4 that emits ultraviolet radiation  
8           and is used in treating disease;
- 9       (2) "Tanning facility," a place or business that provides persons access to a tanning  
10           device.

11       Section 4. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13       Any person charged with a violation of section 1 of this Act may offer evidence, as a  
14 defense, that the person made a reasonable attempt to investigate the age of the person by  
15 examining an age-bearing identification document that would have appeared valid to a  
16 reasonable and prudent person or relied upon a consent document that would have appeared  
17 valid to a reasonable and prudent person.