

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

661Q0530

SENATE BILL NO. 139

Introduced by: Senators Miles, Ahlers, Bradford, Hunhoff (Jean), Kloucek, and Schmidt and
Representatives Gosch, Curd, Deadrick, Elliott, Kirschman, Krebs,
McLaughlin, Nygaard, Pitts, Rausch, Schlekeway, Solum, Sorenson, Steele,
Thompson, and Vanderlinde

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



1 facility.

2 Any consent meeting the requirements of this section expires one year after the date of the
3 consent.

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

6 Terms used in this Act mean:

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

12 (2) "Tanning facility," a place or business that provides persons access to a tanning
13 device.