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OREGON ADMINISTRATIVE RULES
DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 119

REGISTRATION OF TANNING FACILITIES

333-119-0001

Purpose and Scope

(1) The purpose of this ~~D~~ivision is to regulate tanning facilities to minimize the risks associated with tanning by artificial Ultraviolet light. These risks include, but may not be limited to:

- (a) Sunburn;
- (b) Premature aging of the skin;
- (c) Skin cancer;
- (d) Retinal damage;
- (e) Formation of cataracts;
- (f) Suppression of the immune system;
- (g) Damage to the vascular system; and
- (h) Improper sanitation of tanning devices.

(2) The requirements of this ~~D~~ivision apply to any tanning facility that operates any tanning devices. Physicians' phototherapy devices are exempted, see OAR 333-119-0130(2).

(3) In addition to the requirements of this ~~D~~ivision, all registrants are subject to the applicable provisions of other parts of these rules.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ORS 431.925-ORS 431.955

333-119-0010

Definitions

As used in this ~~D~~ivision, these terms have the definitions set forth below:

- (1) "Agency" means the Radiation Protection Services ~~S~~ection of the Public Health Division~~Oregon Health Division~~.
- (2) "Consumer" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a condition or benefit of membership or access.
- (3) "EPA" means the U.S. Environmental Protection Agency.
- (4) "FDA" means the U.S. Food and Drug Administration.
- (5) "Formal Training" means a course of instruction reviewed and approved by the Agency and which is conducted or presented under formal classroom conditions by a qualified expert possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment. Operator training shall cover ultraviolet radiation and effects

on the skin, photosensitivity, FDA and State of Oregon regulations, eye protection, and equipment maintenance.

(6) "Handrails" means a suitable physical aid that will help to maintain proper exposure distance.

(7) "Individual" means any human being.

(8) "Minor" means any individual under the age of ~~18~~eighteen.

(9) "Operator" means the person who has been designated by the registrant to operate or to assist and instruct the consumer in the operation and use of tanning devices. Under this definition, the term "operator" means any individual who conducts one or more of the following activities:

(a) Determining consumer's skin type;

(b) Determining the suitability for use of a tanning device by prospective consumers;

(c) Informing the consumer of the dangers of ultraviolet radiation exposure including photoallergic reactions and photosensitizing agents;

(d) Assuring that the consumer reads and properly signs all forms required by these rules;

(e) Maintaining required consumer exposure records;

(f) Recognizing and reporting consumer injuries or alleged injuries to the registrant;

(g) Determining the consumers' exposure schedule;

(h) Setting timers which control the duration of exposure; and

(i) Instructing the consumer in the proper use of protective eyewear.

(10) "Other Compensation" means the payment or exchange of goods, services or anything of value for use of the tanning device or devices.

(11) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of these entities.

(12) "Phototherapy Device" means equipment that emits Ultraviolet radiation used by a health care professional in the treatment of disease or illness.

(13) "Protective Eyewear" means suitable eyewear that protects the eye from Ultraviolet radiation and allows adequate vision.

(14) "Registrant" means any person who is registered with the Agency as required by provisions of this ~~d~~Division.

(15) "Registration" means registration with the Agency in accordance with provisions of this ~~d~~Division.

(16) "Safe Level" means not more than 50 colonies of microorganisms per four square inches of equipment surface.

(17) "Sanitize" means the effective bactericidal treatment of surfaces of equipment and devices by an EPA or FDA registered ~~product which~~product that provides a sufficient concentration of chemicals, and enough time to reduce the bacterial count, including pathogens, to a safe level. Chemical germicides that are registered with EPA as hospital disinfectants when used at recommended dilutions and directions may be approved for sanitizing of tanning devices.

(18) "Tanning Device" means any equipment used for tanning of the skin, that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers including, but not limited to, a sunlamp, Ultraviolet Lamp, tanning booth, facial unit, UVA wand, or tanning bed. "Tanning device" also means any accompanying equipment,

including, but not limited to, protective eyewear, timers, ballasts, starters, lamps, reflectors, cooling fans, acrylics, comfort pillows and handrails.

(19) "Tanning Facility" means any location, place, area, structure, or ~~business~~ business that provides persons access to any tanning device.

(20) "Timers" means a device provided to terminate the exposure at a preset time interval.

(21) "Ultraviolet Radiation" means radiation that has a wavelength between two hundred nanometers and four hundred nanometers.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ~~ORS 431.925-ORS 431.955~~

333-119-0020

Registration

(1) Prior to the operation of any tanning device used by the public for a fee or other compensation, the owner or operator shall file an application with the Agency and pay applicable fee(s) specified in OAR 333-103-0025 to register each tanning device.

(2) If the owner or operator owns or operates more than one such tanning facility, the owner or operator shall file a separate application for each such facility owned or operated.

(3) Registration application shall be made on forms furnished by the Agency.

(4) A validation certificate or acknowledgement of validation will be issued by the Agency.

(5) The certificate issued by the Agency shall be effective for one year beginning ~~October 1 and continuing through September 30 of the following year.~~ January 1 through December 31.

(6) The certificate shall be displayed in a conspicuous place on the premises of the tanning facility.

(7) The Agency will provide an identification ~~number~~ number that will be affixed by an Agency inspector to each tanning device during the initial or follow-up facility inspection:

(a) Identification numbers shall not be removed without written permission of the Agency; and

(b) Identification numbers shall not be defaced.

(8) The registrant shall notify the Agency in writing before making any ~~change~~ change that would render the information contained in the application for registration or the validation of registration no longer accurate.

(9) No registration may be transferred from one person to another person, from one tanning facility to another tanning facility, or from one tanning device to another tanning device.

(10) In the event of a change in ownership, the new owner will be required to apply for a registration of the tanning device within 30 days after taking possession of the property.

(11) Tanning facilities already in existence at the time of the effective date of this rule may continue to operate. Such facility shall be given priority in the inspection process by the Agency. However, should those tanning facilities fail to meet the standards, they may be prohibited from continuing to operate until such time as they have met those standards through evaluation by the Agency's inspectors or through a hearing held by the Agency.

Stat. Auth.: ORS 431.925 - ORS 431.955
Stats. Implemented: ~~ORS 431.925-ORS 431.955~~

General Requirements

333-119-0030

Administrative Responsibilities

(1) The registrant shall be responsible for directing the operation of the tanning facility ~~which facility~~ that has been registered with the Agency. That individual or individual's agent shall assure that the provisions of these rules are met in the operation of tanning devices.

(2) A tanning device which does not meet the provisions of these rules shall not be operated and may be tagged "Out of Service for Non-compliance with OAR 333-119 Requirements" by Agency inspectors. Devices tagged as non-compliant shall not be operated until written authorization is received by the registrant from the Agency.

(3) The registrant shall assure that the tanning facility will comply with all applicable federal laws and regulations.

(4) In addition to the requirements of this Division, all registrants are subject to the applicable requirements of Divisions 100, 103 and 111 of these rules.

(5) The Agency Inspection Findings report and facility response letter(s) shall be conspicuously posted in public view until all items of non-compliance have been corrected and a written Agency release from this requirement is received by the registrant.

(6) The registrant shall post in a conspicuous place the Agency "Notice To The Public".

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930 & 431.935

333-119-0040

Construction and Operation of Tanning Facilities

Unless otherwise ordered or approved by the Agency, each tanning facility shall be constructed, operated and maintained to meet the following minimum requirements:

(1) Physical facilities:

(a) All tanning facilities shall be equipped with convenient toilet facilities and dressing rooms. Such toilet facilities shall include a water closet and hand washing sinks. Such toilet and dressing rooms shall be properly maintained, as well as meet all state and local codes.

(b) All areas of the tanning facility shall be ventilated with at least six air changes per hour or as required by local code.

(c) Tanning booth temperature shall be maintained below 100 degrees Fahrenheit (38 degrees Centigrade) during booth operation.

(d) The tanning device shall meet the National Fire Protection Association's National Electrical Code, or be approved by the Underwriter Laboratories (UL) or Electrical Testing Laboratories (ETL).

(e) Except as otherwise noted by the Agency, each tanning facility shall be constructed, operated and maintained in accordance with applicable city, county and state codes.

(2) Cleaning and maintenance:

(a) All areas of the tanning facility, including tanning devices, equipment and apparatus, shall be maintained in a clean and sanitary manner by the facility operator and in accordance with manufacturer's instructions.

(b) The tanning device(s) and protective eyewear shall be cleaned with an approved sanitizer after each use by the facility operator. A listing of approved sanitizers is maintained by the Agency and is available upon request of registrants. This listing may change at any time due to updating of state or federal sanitation guidelines. The operator shall use a sanitizer that sanitizes to a safe level of microorganisms as required by these rules. A clean paper or cloth towel shall be used each time the tanning device is cleaned and sanitized. The sanitizer, as described in these rules, is one specifically manufactured for sanitizing ultraviolet light emitting equipment and protective eyewear, and that does not damage the acrylic lamp covers of the device. The Ultraviolet Light produced by the tanning device itself is not considered an adequate sanitizing agent.

(c) Protective eyewear and tanning devices shall be sanitized after each use with a sanitizing agent which is registered by EPA and approved by the Agency using the following procedures:

(A) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with a solution) containing at least 400 ppm (parts per million) of available quaternary ammonium compound at a temperature of at least 75 degrees Fahrenheit; or

~~(B) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with the solution) containing at least 100 ppm (parts per million) of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit; or~~

~~(C) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with the solution) containing at least 25 ppm (parts per million) of available iodine and at a pH of which the efficacy has been demonstrated to be effective by the manufacturer and at temperature of at least 75 degrees Fahrenheit; or~~

~~(D) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with the solution) containing any other chemical sanitizing agent registered with the EPA or FDA, and specifically manufactured for use with protective eyewear and/or tanning devices that will provide the equivalent bactericidal effect of a solution containing at least 100 ppm (parts per million) of available chlorine as a hypochlorite at temperature of at least 75 degrees Fahrenheit.~~

(d) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million (ppm) shall be used to measure the strength of the sanitizing solution when the concentrate and water dilution is initially prepared and at least weekly thereafter to ensure sufficient strength of the sanitizing solution. If a suitable test kit is not available for an approved sanitizer, the laboratory analysis data shall be provided by the product manufacturer, and a copy be on file with the Agency. Written procedures at the facility using sanitizer shall include proper mixing and handling instructions to assure proper concentration of the sanitizer.

(e) Clean sanitary towels shall be provided to all patrons using tanning facilities.

(f) A hamper or receptacle must be provided for all soiled towels and linen.

(g) No pets or animals are permitted in tanning facilities other than seeing eye dogs or hearing assistance dogs ~~animals~~.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Specific Requirements

333-119-0050

Warning Statement

At each consumer's initial visit to a tanning facility, and at least annually thereafter, the consumer shall be provided the following written statement to review and sign which warns the consumer that (an Agency approved tanning client card may be used to satisfy this requirement):

(1) Not wearing the protective eyewear provided to each customer by the tanning facility may cause damage to the eyes; and

(2) Overexposure to the tanning process may cause burns; and

(3) Repeated exposure to the tanning process may cause skin cancer or premature aging of the skin or both; and

(4) Abnormal skin sensitivity or burning may result from the tanning process if the customer is also consuming or using certain:

(a) Foods;

(b) Cosmetics; or

(c) Medications such as tranquilizers, antibiotics, diuretics, high blood pressure medication, antineoplastics or birth control pills; and

(5) Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ~~ORS 453.925-ORS 431.955~~

333-119-0060

Warning Sign

(1) The registrant shall conspicuously post the warning sign described in section (2) of this rule within one meter (39.37 inches) of each tanning device and in such a manner that the sign is clearly visible, not obstructed by any barrier, equipment or other object, and can be easily viewed by the consumer before operating the tanning device.

(2) The warning sign in section (1) of this rule shall use upper and lower case letters which letters that are at least ~~10~~ten millimeters and five millimeters in height, respectively, and shall have the following wording:

DANGER — ULTRAVIOLET RADIATION

Follow instructions.

Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause pre-mature aging of the skin and/or skin cancer.

**FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE
BURNS OR LONG-TERM INJURY TO THE EYES.**

Medications or cosmetics may increase your sensitivity to the Ultraviolet radiation. Consult a physician before using sunlamp or tanning device if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

If you do not tan in the sun, you are unlikely to tan from the use of this product.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ORS 431.925-ORS 431.955

333-119-0070

Protective Eyewear

(1) The registrant shall provide protective eyewear to each consumer for use during any use of tanning devices.

(2) The protective eyewear in section (1) of this rule shall meet the requirements of **21 Code of Federal Regulations (CFR) Part 1040, Section 1040.20(c)(4)**.

(3) Tanning facility operators shall ensure that consumers wear the protective eyewear required by this rule.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ORS 431.925-ORS 431.955

333-119-0080

Training of Personnel

(1) The registrant shall certify that all tanning device operators are adequately trained in the following:

(a) The requirements of this Division; and

(b) Procedures for correct operation of the tanning facility and tanning devices; and

(c) Recognition of injury or overexposure to Ultraviolet radiation; and

(d) The tanning device manufacturer's procedures for operation and maintenance of the tanning devices; and

(e) The determination of skin type of customers and appropriate determination of duration of exposure to registered tanning devices; and

(f) Emergency procedures to be followed in case of injury; and

(g) Potential photosensitizing foods, cosmetics, and medications.

(2) The registrant shall ensure that tanning devices are operated only while an adequately trained operator is present at the tanning facility.

(3) All currently registered tanning facilities in the State of Oregon must have completed the following staff training requirements within one ~~(1)~~ year of registering with the agency:

(a) At least one owner, manager, or operator from each tanning facility with four or less tanning devices, shall successfully complete one of the vendor-provided formal training courses authorized by the Agency.

(b) At least two operators from each tanning facility with five or more tanning devices shall successfully complete one of the vendor provided formal training courses authorized by the Agency.

(c) Training of other full or part-time operators shall be by means of an Agency-authorized and vendor-provided training course, or by materials received by an owner or primary operator from an Agency-authorized and vendor-provided training course, or by an Agency-authorized correspondence course.

(4) Staff training shall be documented by the facility owner or operator and include date and time with subjects covered in the training session for all operators.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

333-119-0090

Protection of Consumers

The registrant shall establish and use a procedure manual that will aid in the protection of the consumer to excessive or unnecessary exposure to Ultraviolet Light. This manual shall include, but not be limited to, the following instructions:

(1) Only one consumer per tanning room at a time, ~~or,~~

~~(a) When two or more tanning devices are used in the same room, only those consumers using tanning devices should be present in the room, and~~

~~(b) In the case of a consumer using a tanning device who may need the aid or assistance from another person, that individual must also be provided with and wear protective eyewear.~~

(2) No consumer under the age of 18, without written parental consent, shall be allowed to use a tanning device. Written consent must be provided on the premises in the presence of an owner/operator, with the parent's understanding of the potential risks involved in overexposure.

(3) A sign shall be posted in conspicuous view at or near the reception area with the following text: "PERSONS UNDER AGE 18 ARE REQUIRED TO HAVE PARENT OR LEGAL GUARDIAN SIGN AUTHORIZATION TO TAN, IN THE PRESENCE OF A TANNING FACILITY OPERATOR. OAR 333-119-0090(2)."

(4) Each person using a tanning device shall be instructed by the operator on the maximum exposure time and proper exposure distance, as recommended by the manufacturer of the device. The operator shall also instruct the consumer as to the location and proper operation of the tanning device's emergency shut off switch.

(5) Infants and minors are not permitted to be in the tanning device room during exposure by parents or guardians.

(6) Tanning operators shall limit exposure time to the exposure time recommendation provided by the device manufacturer on the tanning device or in the device operating manual. The maximum exposure time recommended by the manufacturer of the device shall not be exceeded in any 24-hour period.

(7) Tanning operators shall keep a list of emergency contact numbers in view at each tanning facility. This list shall include the emergency contact numbers appropriate for the community where the facility is located. Example of emergency contacts:

(a) Nearest hospital;

(b) Nearest fire department;

(c) Emergency medical services or emergency 911 service, if available;

(d) Oregon Radiation Protection Services at ~~(503) 731-4014~~ (971) 673-0490.

(8) Tanning operators shall maintain a list of the common photosensitizing agents as provided by the Oregon Health Division, FDA, or other appropriate authorities, available for review by consumers.

(9) Tanning facilities are prohibited from controlling the use of tanning devices solely with token timer systems.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

333-119-0100

Equipment

(1) The registrant shall use only tanning devices manufactured in accordance with the specifications set forth in 21 CFR Part 1040, Section 1040.20, "Sunlamp Products and Ultraviolet Lamps Intended for Use in Sunlamp Products."

(2) Each sunlamp product or Ultraviolet Lamp used in these facilities shall not emit measurable Ultraviolet C radiation.

(3) Each Ultraviolet Lamp contained within the sunlamp product shall be shielded so as to not come into contact with the consumer. A transparent acrylic cover shall be used for this purpose.

(4) Tanning booths in which the consumer is in a standing position shall be provided with a handrail for the consumer to hold onto during operation of the booth.

(a) The construction of the booth shall be such that it will have the strength to withstand the stress of use and the impact of a falling person.

(b) Entry to stand-up booths shall be of rigid construction with doors which are non-latching and open outwardly.

(5) Each tanning device shall have, clearly marked, the appropriate position the consumer is to assume prior to operation.

(6) Each tanning device shall prominently display the following label or equivalent warning/information label:

**DANGER - ULTRAVIOLET RADIATION.
FOLLOW INSTRUCTIONS CAREFULLY
DO NOT ENTER WITHOUT PROTECTIVE EYEWEAR**

(7) Adequate means shall be provided to enable a consumer to summon assistance from the exposure position.

(8) All persons hired for servicing and repair of tanning devices shall be an Agency licensed service technician or State of Oregon licensed electrician.

(9) Original Equipment Manufacturer (OEM) replacement parts (or equivalent) shall be used, if available, to prevent UL/ETL delisting of tanning devices. All local, State of Oregon, and National Electrical Codes must be observed during service and repair actions.

(10) Defective or burned out tanning lamps or bulbs shall be replaced with a type intended for use in the device and shall be of the same Ultraviolet range (A or B) as the manufacturer specifies, and shall be the original lamp type as specified by the manufacturer, or certified as an equivalent lamp per 21 CFR 1040.20.

(11) If equivalent lamps are used instead of the Original Equipment Manufacturer (OEM) required lamps, a copy of the equivalency certification, provided by the lamp supplier, shall be maintained on file for review by Agency inspectors.

- (12) Defective or burned out tanning lamps and tanning lamps which have been operated in a tanning device for the manufacturer's maximum rated lamp hour life, shall be disposed of in a safe and proper manner to prevent unauthorized and unsafe use as lighting devices. Used tanning lamps are prohibited from being resold for any purpose.
- (13) If the Ultraviolet tanning device is not in an individual cubicle, then a suitable screen, curtain, or other shield shall be provided, maintained, and used to prevent unnecessary exposure to Ultraviolet radiation of persons not using the device.
- (14) The facility operator shall ensure that consumers do not exceed the exposure time indicated by the manufacturer.
- (15) Each tanning device shall have a ~~timer which~~ timer that complies with the requirements of 21 CFR Part 1040, Section 1040.20 (c)(2).
- (a) The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time.
- (b) Tanning device timers shall be controlled by a properly trained operator. A remote timer control system shall be used for this purpose.
- (c) Each tanning device shall be equipped with an emergency shut-off mechanism to allow manual termination of the UV exposure by the consumer, as required by 21 CFR 1040.20(c)(3).
- (16) Each timer must be functional and accurate to within ± 10 percent%.
- (17) The registrant shall ensure that the timer is checked annually for accuracy.
- (18) All tanning devices shall be maintained to the minimum requirements of the manufacturer.
- (19) Each tanning device shall be equipped with an hour meter to accurately determine lamp hour use and recording of maintenance service on each device.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.655, 431.930 & 431.945

333-119-0110

Records and Reports

- (1) The registrant shall maintain a record of each consumer's total number of tanning visits, dates and durations of tanning exposures.
- (2) The registrants shall maintain a record of each consumer's signature and acknowledgement that they understand the potential risks involved with exposure to Ultraviolet radiation and overexposure, and that they have reviewed a photosensitizing drug list.
- (3) The registrant shall maintain all records of parental consent regarding minors.
- (4) The registrant shall submit to the Agency a written report of injury for which medical attention was sought or obtained from the use of registered tanning devices within five working days after occurrence. The report shall include:
- (a) The name, address and phone number of the affected individual;
- (b) The name, location and phone number of the tanning facility involved;
- (c) The nature of the actual or alleged injury; and
- (d) Any other information relevant to the actual or alleged injury to include the date and duration of exposure and any documentation of medical attention sought or obtained.
- (5) The registrant shall maintain records showing the results of annual timer tests.

- (6) The registrant shall maintain a record of operator training as required in OAR 333-119-0090 0080(4).
- (7) The registrant shall maintain the following information for each tanning device:
- (a) Manufacturer's equipment manual and any other service related material or instruction; and
 - (b) The exposure schedule developed by the manufacturer; and
 - (c) Records of surveys, inspections, maintenance, and modifications performed on the tanning device with names of persons performing such services, the date of service, and the hour meter reading of the device serviced.
- (8) Records shall be maintained showing the receipt, transfer, repair and disposal of all tanning devices and lamps.
- (9) All required records shall be maintained until inspected by the Agency and shall be so filed as to be readily available for review.
- Stat. Auth.: ORS 431.925 - ORS 431.955
Stats. Implemented: ~~ORS 431.925-ORS 431.955~~

333-119-0120

Advertising

- (1) No person or facility shall advertise the use of any Ultraviolet A or Ultraviolet B tanning device using wording such as "Safe", "Safe Tanning", "No Harmful Rays", "No Adverse Effect", or similar wording or concepts.
- (2) No person, in any advertisement, shall refer to the fact that such person, or such person's facility, is registered with the Agency pursuant to the provisions of this Division, and no person shall state or imply that any activity under such registration has been approved by the Agency.
- (3) No person or facility shall advertise or promote tanning packages labeled as "unlimited".
- (4) Tanning packages shall include the following written tanning guidelines for all clients:
- (a) Initial tanning sessions (three to five) are limited to intervals of at least 48 hours between sessions to allow adequate time for melanin activation and transit to occur prior to subsequent exposures. The manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device shall be followed by tanning operators advising new clients during initial tanning sessions.
 - (b) After the initial (three to five) tanning exposures, tanning sessions are limited to one tanning session per 24-hour period (or one tanning session per 48 hours on tanning devices so labeled) with consumers being properly advised of the manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device.
 - (c) Promotion of annual tanning packages shall include a written statement listing the total number of sessions allowed per person, per year (recommendations should generally not exceed two sessions per week and the maximum of 30-50 sessions per year as recommended by the International Radiation Protection Association (IRPA) and other authorities).

Stat. Auth.: ORS 431.925 - 431.955
Stats. Implemented: ORS 431.930

333-119-0130

Exemptions

- (1) The Agency may, upon application therefore or upon its own initiative, grant such exemptions or exceptions from the requirements of the rules in this section as it determines are authorized by law and will not result in undue hazard to public health and safety.
- (2) A phototherapy device used by or under the direct supervision of a physician licensed under ORS Chapter 677 is exempt from the requirements of this dDivision.
- (3) Any individual is exempt from the provisions of this dDivision to the extent that such individual owns a tanning device exclusively for personal use.
- (4) Tanning devices, while in transit or storage incidental thereto, are exempt from the provisions of this dDivision.
- (5) Tanning devices located in any facility having public access; are required to have the power supply physically disconnected from the device and lamps removed in order to qualify for a no-fee-required storage designation. Tanning devices with lamps installed and power active to the device are required to be registered with the Agency and pay applicable fees.

Stat. Auth.: ORS 431.925 - ORS 431.955

Stats. Implemented: ORS 431.925-ORS 431-955

333-119-0140

Denial, Revocation, Termination of Registration

- (1) The Agency may deny, suspend or revoke registration issued pursuant to this Division:
 - (a) For any written false statement in the application for registration or in any statement of fact as required by provisions of this dDivision; or
 - (b) Because of conditions revealed by the application or any report, record, inspection or other means which would warrant the Agency to refuse to grant a registration; or
 - (c) For operation of the tanning facility in a manner that causes or threatens to cause hazard to the public health or safety; or
 - (d) For failure to allow authorized representatives of the Agency to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this dDivision, or an order of the Agency; or
 - (e) For violation of, or failure to observe any of the terms and conditions of the rules in this dDivision, or an order of the Agency; or
 - (f) For failure to properly dispose of used tanning lamps and thus allowing possible use in an unauthorized or hazardous manner.
- (2) Except in cases of willfulness or cases in which the public health, interest or safety requires otherwise, prior to the institution of proceedings for suspension or revocation of a registration, the Agency shall:
 - (a) Call to the attention of the registrant, in writing, the facts or conduct which may warrant such actions; and
 - (b) Provide reasonable opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.

- (3) Any person aggrieved by a decision by the Agency to deny a registration or to suspend or revoke a registration after issuance may request a hearing.
 - (4) The Agency may terminate a registration upon receipt of a written request for termination from the registrant.
 - (5) The Agency may, by rule, regulation, or order, impose upon any registrant such requirements in addition to those established in this regulation as it deems appropriate or necessary to minimize danger to public health and safety or property.
- Stat. Auth.: ORS 431.925 - ORS 431.955
Stats. Implemented: ORS 431.935-ORS 431.950

333-119-0200

Vendor Responsibilities

- (1) Any person who sells, leases, transfers, or lends tanning devices in this state shall notify the Agency of the following within 30 days after each sale or installation:
 - (a) Name and address of persons who have received these devices;
 - (b) The manufacturer model and serial numbers of each device; and
 - (c) The date of transfer.
- (2) No person shall make, sell, lease, transfer, lend or install tanning devices or the supplies used in connection with such devices unless such supplies and equipment when placed in operation and use, will meet the requirements of these rules.
- (3) State of Oregon identification numbers shall not be removed, altered or defaced by any vendor doing business in this state, without written permission of the Agency.
- (4) Vendors of tanning devices, replacement lamps, sanitizers, protective eyewear, UV light measurement devices, calibration of measurement equipment, remote timer systems, computer control systems, repair or cleaning services, parts supplies, or operator training are required to apply for a license for sales, services and servicing as specified in OAR 333-101-0020. Vendor License application forms will be furnished by the Agency. Vendors are prohibited from providing tanning equipment installation, servicing and/or services prior to the Agency issuing a licensing certificate to the vendor.
- (5) Vendors providing operator training services are required to apply for a license for services as specified in OAR 333-101-0020. Training-services vendors are required to furnish a copy of all training materials (including a sample examination) to the Agency for review and comment prior to offering operator training courses. Vendors shall maintain records of course completion and test results for a period of at least three years from the date of the operator training course. A copy of the list of persons successfully completing operator training shall be furnished to the Agency including the following:
 - (a) A copy of the training materials used for the specific course offered; and
 - (b) A list of qualified training personnel including training experience; and
 - (c) A list of persons trained with test scores listed and tanning facility name and address provided; and
- (d) At least one Agency staff member shall be invited to attend any operator training course offered within the State of Oregon without charge.
- (6) Not-for-profit industry sponsored training organizations are permitted to utilize recognized industry qualified experts as adjunct instructors for specific modules of training course materials that have been reviewed and authorized by the Agency.

Stat. Auth.: ORS 431.925 - ORS 431.955
Stats. Implemented: ORS 431.925-ORS 431.955