

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 FEB 20 2012

SENATE
S. B. No. 2090

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago


EXPLANATORY NOTE

The Constitution, Article II, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Indoor tanning is a \$2 billion industry in the United States. It has been reported in numerous articles and medical journals that it is not just the sun that increases a person's risk of getting skin cancer. A 2002 Dartmouth University study found that tanning device users had 2.5 times the risk of squamous cell carcinoma and 1.5 times the risk of basal cell carcinoma. Despite these astounding statistics, tanning bed use continues to increase and individuals are still under the impression that indoor tanning is safer than the outdoor sun.

We cannot warn people enough of the major role indoor tanning plays in potentially being diagnosed with skin cancer. Because it is the one cancer that is very preventable, consumers should be empowered with the latest and most up-to-date information possible.


MIRIAM DEFENSOR SANTIAGO
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7 AN ACT
8 REGULATING TANNING FACILITIES

9 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
10 *Congress assembled:*

11 SECTION 1. *Short Title.* – This Act shall be known as the “Tanning Facility Regulatory
12 Act of 2008.”

13 SECTION 2. *Purpose.* – It is the purpose of this Act to –

14 (A) protect the public from the harmful effects of tanning equipment;

15 (B) inform the public of the risks involved in tanning; and

16 (C) provide guidelines for the proper operation of a tanning business.

17 SECTION 3. *Definition of terms.* – As used in this Act, the term–

18 (A) “Consumer” means any member of the public who is provided access to a tanning
19 facility in exchange for a fee or other compensation, or any individual who, in exchange
20 for a fee or other compensation, is afforded use of a tanning facility as a condition or
21 benefit of membership or access;

22 (B) “Department” means the Department of Health;

23 (C) “Fee” means the payment or exchange of goods, or anything of value for use of the
24 tanning facility or facilities;

25 (D) “Tanning equipment” means sunlamp products and ultraviolet lamps intended to
26 induce skin tanning through the irradiation of any part of the living body;

27 (E) “Tanning facility” means a room or a booth or group of rooms or booths that houses
28 ultraviolet lamps or products containing lamps intended for the irradiation of any part of

1 the living human body for cosmetic or nonmedical related purposes but does not include
2 any hotel or motel guest rooms where sunlamps are installed in the restroom area.

3 *SECTION 4. Permit Requirement. –*

4 (A) A permit issued by the Department shall be required prior to the operation of any
5 tanning facility used by the public for a fee or other compensation. The owner of the
6 facility shall file an application for a permit with the Department on a form prescribed by
7 the Department

8 (B) All permits issued by the Department under this Act shall expire on a specified date
9 and may be renewed by submission to the Department at least 30 days before the
10 expiration date a permit renewal application.

11 (C) The Department may refuse to renew the permit of any owner or operator who has
12 been found to be in violation of this Act for the safe operation of tanning facilities.

13 (D) Each tanning facility shall be inspected at least once each year after the initial year in
14 which the facility was granted a permit.

15 *SECTION 5. Requirements for a permit. –* Before an operator may be granted a permit,
16 he must comply with the following requirements--

17 (A) For each sunlamp product and ultraviolet lamp, the ratio of the irradiance within the
18 wavelength range of 200 through 400 nanometers shall not exceed 0.003 at any distance
19 or direction from the product or lamp.;

20 (B) Each sunlamp shall incorporate a timing device with multiple timer settings adequate
21 for the manufacturer's recommended exposure intervals to produce the expected results.
22 The timing device shall not provide a timing interval in excess of the product's
23 recommended maximum exposure time, or 10 minutes. This requirement does not
24 preclude the ability of the user to reset the time. The timer may not automatically reset
25 and cause radiation emission to resume for a period greater than the unused portion of the
26 timer cycle when emission from the sunlamp product has been terminated;

1 (C) Each sunlamp product shall incorporate a control on the product to enable the user to
2 manually terminate radiation without pulling the electrical plug or coming in contact with
3 the ultraviolet lamp.

4 (D) Each sunlamp product shall be accompanied by the number of sets of protective
5 eyewear that is equal to the maximum number of persons intended to be exposed
6 simultaneously to product radiation. The eyewear shall be provided by the manufacturer
7 and shall meet or exceed his product recommendations. All protective eyewear shall be
8 properly sanitized prior to each use.

9 (E) Each ultraviolet lamp contained within the sunlamp product shall be shielded so as to
10 not come into contact with the user. A screen or transparent cover shall be used for this
11 purpose.

12 (F) Each sunlamp product in which the person is in a standing position shall provide a
13 handrail for the user to hold onto during operation of tanning facility. Each tanning
14 facility shall have, clearly marked, the appropriate position the user is to assume prior to
15 operation.

16 (G) Each sunlamp product shall prominently display the following warning label:

17 "DANGER - Ultraviolet radiation. Follow instructions. As with natural sunlight,
18 overexposure can cause eye injury and sunburn, repeated exposure may cause
19 premature aging of the skin and skin cancer. Medications or cosmetics applied to
20 the skin may increase your sensitivity to ultraviolet light. Consult a physician
21 before using lamp if taking any medication or if you believe yourself especially
22 sensitive to sunlight."

23 (H) Each tanning facility shall be so equipped to dissipate heat that the interior
24 temperature does not exceed 100 degrees Fahrenheit or 34 degrees centigrade.

25 SECTION 6. *Operating requirements.*—Each tanning facility shall have on hand at all
26 times an operator adequately trained in the correct operation of the facility so as to be
27 able to inform and assist the public in its proper use. Each operator shall perform the
28 following functions as a precondition to the public having access to the tanning facility

1 being made to the public:

2 (A) The operator shall require each person desiring to use the facility to fill out a
3 form specifying any and all prescription medicines and over-the-counter medications they
4 are presently taking. The form shall be kept as a permanent record of the individual's
5 attendance and progress;

6 (B) The operator shall require each person desiring to use a tanning facility to use
7 protective eyewear;

8 (C) The operator shall instruct the user in the proper position to maintain in
9 relation to the tanning lamps within the facility; the position of the safety railing, if
10 applicable; the manual switching device to terminate the radiation in case of emergency;
11 and a recommended time of exposure;

12 (D) The operator shall monitor the use of the facility to ensure that the interior
13 temperature does not exceed 100 degrees Fahrenheit or 34 degrees centigrade;

14 (E) The operator shall inspect the facility to ensure that the floors are dry. The
15 floors are to be made dry prior to each individual's use;

16 (F) The operator shall give each person using the facility a written copy of the
17 warning required under this Act prior to each person's use of the facility. The operator
18 shall post signs warning consumers of the potential effects of radiation on persons taking
19 medication and the relationship of radiation to skin cancer;

20 (G) The operator shall be responsible for proper sanitizing procedures for all
21 sunlamp equipment and protective eyewear between every user.

22 SECTION 7. *Penalties.* – The Department is empowered to establish and assess penalties
23 or fines against a permit holder for violations of this Act or regulations adopted under this Act. In
24 no circumstance will any penalties or fines exceed P10,000.00 per day for each day the permit
25 holder remains in violation.

1 SECTION 8. *Separability Clause.* – If any provision, or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
6 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

9 Approved,