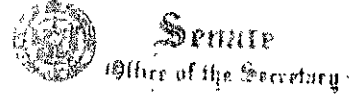


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



13 OCT 14 P5:28

SENATE  
S. No. 1845

RECEIVED BY: *js*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 2, Section 15, provides that:

Section 15. The State shall protect and promote the right to health of the people and instil 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*  
MIRIAM DEFENSOR SANTIAGO

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\* This bill was originally filed in the 14<sup>th</sup> Congress.



'13 OCT 14 P5:28

SENATE  
S. No. 1845

RECEIVED BY: *ju*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 REGULATING TANNING FACILITIES

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Tanning Facility Regulatory  
4 Act."

5 SECTION 2. *Purpose.* - It is the purpose of this Act to protect the public from the  
6 harmful effects of tanning equipment; inform the public of the risks involved in tanning; and  
7 provide guidelines for the proper operation of a tanning business.

8 SECTION 3. *Definition of Terms.* - As used in this Act, the term—

9 (A) "Consumer" means any member of the public who is provided access to a tanning  
10 facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee  
11 or other compensation, is afforded use of a tanning facility as a condition or benefit of  
12 membership or access;

13 (B) "Department" means the Department of Health;

14 (C) "Fee" means the payment or exchange of goods, or anything of value for use of  
15 the tanning facility or facilities;

16 (D) "Tanning equipment" means sunlamp products and ultraviolet lamps intended to  
17 induce skin tanning through the irradiation of any part of the living body; and

18 (E) "Tanning facility" means a room or a booth or group of rooms or booths that  
19 houses 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 any  
2 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 facility shall  
6 file an application for a permit with the Department on a form prescribed by the Department;

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

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

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

14 SECTION 5. *Requirements for a Permit.* - Before an operator may be granted a permit,  
15 the operator must comply with the following requirements—

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

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

1 (C) Each sunlamp product shall incorporate a control on the product to enable the user  
2 to manually terminate radiation without pulling the electrical plug or coming in contact with the  
3 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 simultaneously  
6 to product radiation. The eyewear shall be provided by the manufacturer and shall meet or  
7 exceed his product recommendations. All protective eyewear shall be properly sanitized prior to  
8 each use.

9 (E) Each ultraviolet lamp contained within the sunlamp product shall be shielded so  
10 as to 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 facility shall  
14 have, clearly marked, the appropriate position the user is to assume prior to operation.

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

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 8. *Separability Clause.* - If any provision or part hereof is held invalid or  
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
27 valid and subsisting.

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

4           SECTION 10. *Efecectivity Clause.* - This Act shall take effect fifteen (15) days after its  
5 publication in at least two (2) newspapers of general circulation.

Approved,