

## **Tanning Facility Program Frequently Asked Questions**

### **Q1. How do I obtain a permit to open and operate a tanning facility?**

Answer: Your first step to obtaining a Tanning Facility permit from the Florida Department of Health would be to contact the Environmental Health section of the local County Health Department in the county you intend to operate and discuss your plans with an inspector. Also, you can visit our webpage at <http://www.doh.state.fl.us/environment/community/tanning/index.html> for more information on the Tanning Facilities Program.

### **Q2. What are the risks associated with people that work in a tanning facility?**

Answer: Tanning facility employees should follow the same criteria as tanning clients, such as avoid direct line sight of ultraviolet light. Salon operators in Florida and many other states are required to go thru training provided by companies that have been approved by the Department of Health. Many of the trainings give helpful hints for salon employees to keep them safe while at work. The UV light from the tanning device will not migrate thru walls or floors. The tanning device must have safety barriers around it to avoid line sight eye contact when in use.

### **Q3. What tanning devices and products does the Department of Health promote?**

Answer: The Florida Department of Health does not manufacture or promote tanning devices. We regulate the use in permitted tanning facilities within the state of Florida. There are many manufacturers of tanning equipment out there and they (manufacturers) are regulated by the FDA.

### **Q4. Is there any time frame within which a tanning facility is required to inform the County Health Department that they have added a new bed or booth as stated in the Code? Is it a violation if the inspector shows up and the tanning facility has made the changes without notifying the Department? Do tanning facilities have to have a new bed/booth inspected before they can use it?**

Answer: There is not a timeframe to be notified of new equipment; however, when the inspector arrives for inspection and there is new equipment then that is a violation. New devices do not have to be inspected before use; it can be done during the routine inspection.

### **Q5. A gym allows 24 hour access to a 4000 square foot gym through state of the art security systems that utilizes an electronic "key" that grants them entry. The tanning beds are in locked rooms accessible by programmed electronic keys. The system and software are provided by the gym allowing only one 20 min tanning session per 24 hour period and as an additional safety precaution the system will not even allow entrance to the room more than once in a 24 hour period.**

**Can the gym pay for its members that want to sign up for the tanning portion to take the online or correspondence course and become certified. This would enable them to legally operate the beds and sanitize them. Would this be in line with the state laws?**

Answer: This concept is very good; unfortunately it does not meet the intent of 64E-17, Florida Administrative Code and 381.89, Florida Statutes. The code states that an operator or trained employee must operate and clean the tanning beds; as well as be present when tanning devices are in use. The code also gives definitions of operator and employee. With that in mind unless your customers are employees your idea would be outside the ramifications of the code.

**Q6. In regards to tanning once in a 24 hour period, if a customer tans at 2:00pm Wednesday and returns Thursday at 11:00am, can the shop allow her to tan? Is this rule to be enforced by the computer software or by the employees?**

Answer: This time period is less than 24 hours and the client should not be allowed to tan. Per the code a client can only tan once within a 24 hour period. This should be enforced by the facility personnel when the customer comes in to tan.

**Q7. Is insurance required to operate a tanning facility?**

Answer: The Florida Department of Health does not require that tanning facilities carry insurance; it is the choice of the facility. However, if a facility does carry insurance, they must show proof and state the limits of liability upon request from clients and inspectors. Prior to obtaining a permit the facility owner must provide a copy of the insurance to the inspector for the facility file kept at the health department.

**Q8. What should a tanning facility operator do if a client refuses to give their age? In each case, the operator is sure that the client is definitely over 18.**

Answer: The code and statute require that the facility know the age of the client in order for them to use tanning devices. If the facility fails to do so, then they are subject to the penalties stated in statute. Also, note that this is a requirement and each time that the age and/or birth date is not apart of the record, then that is a violation against the facility.

**Q9. What is a sanitizer does not appear to be on the list of approved by the Tanning Program office? Should it be prohibited?**

*Answer:* The sanitizer listing provided by the Tanning Facilities program office is not an all inclusive listing and many approved sanitizer may not appear. A sanitizer is approved for use if it is specifically manufactured for sanitizing ultraviolet light emitting equipment, protective eyewear, is registered with the U.S. Environmental Protection Agency (EPA), and does not damage the acrylic plastic surface of the unit.

**Q10. Is Spray-on Tanning regulated by the Florida Department of Health?**

Answer: The Florida Department of Health does not regulate spray-on tanning, as no agency does regulate spray-on tanning operations at this time. If you would like more information on spray-on tanning, please visit the FDA website at: <http://www.cfsan.fda.gov/~dms/cos-tan4.html> & <http://vm.cfsan.fda.gov/~dms/cos-220.html>.

**Q11. Does the listing of photosynthesizing medications and foods have to be posted in the tanning facility?**

Answer: The medications listings are not required to be posted or kept in the files. Many facilities have the listing on hand, but it is not a requirement.

**Q12. If a tanning bed has a bad crack in the acrylic bed. It looks like someone took their foot or fist and thrust it in the bed. It is not just "Spider vein cracked" it is broken cracked. Should the bed be stop use? Can they "put tape over it" and allow it to be used?**

Answer: The bed should be put on stop use because it could possibly cause injury or harm to a customer. If the facility operator does not want to replace the acrylic then it should not be used for customers. Tape cannot be used as a means to repair the acrylic. Also, explain to the operator the possible liability risks to the facility if a customer is injured.

**Q13. Chapter 64E-17 F.A.C. states that "There shall be floor markings or other means to indicate the proper exposure distance between UV lamps and the user's skin." There is a picture on the wall of the booth's interior in front of where the client would stand, indicating foot position while tanning. No floor markings exist. Would the picture suffice as "other means" to indicate proper distance?**

Answer: Yes, the picture can be interpreted as "other means" as long as the customer can see the picture clearly without any obstructions.

**Q14. Most tanning facilities are totally computerized. The client signs a consent form, but they maintain no client cards for visits. What do they need to have available for 4 years?**

Answer: The tanning facilities must have capabilities to records for the four year period whether by back-up disks or thumb drives.

**Q15. In the state of Florida is it legal to run a small scale tanning bed business (one bed only) out of a residential home or mobile home?**

Answer: No, a person cannot run a tanning business out of a residential home. The business would have to be separated from the area in which someone lives. A mobile home could be used as a business location but it cannot be a person's place of residence, its only use must be as a tanning facility and approval of the local county building code office would be required. However, a person could add a room to their home if the room had a solid wall between the living quarters and tanning facility and had its own external entrance.

**Q16. If a replacement tanning lamp shows equivalency to a third lamp in which the originally approved lamp is also compatible, is it safe to assume that the replacement would also be compatible with the original lamp even if there is no paperwork showing that the replacement and original are directly equivalent?**

Answer: Do not assume that two lamps are compatible just because they are both compatible to the same type lamp; there must be some documentation to show the

compatibility. Even though the two lamps have a lamp in common does not mean that those two lamps are compatible.

**Q17. Can the timer controls for a new tanning facility be on the outside wall of the tanning room , or is it mandatory for the timer control to be behind the desk (tanning beds are in a styling salon)?**

Answer: The timer controls can be outside of the rooms where the devices are; however the customer must not be allowed to operate the controls.

**Q18. What are the fees to obtain a tanning facility license from the Florida Department of Health?**

Answers: Fees are paid annually and are based on the number of tanning devices in the facility. Fees are as followed:

Annual License Fee (one device)	\$150.00
Each additional device	\$55.00
Total fee not to exceed	\$315.00
Late renewal of license	\$25.00

**Q19. Does the emergency shut-off have to be on the bed, or is it acceptable to be on the wall within reach of the patron without getting out of the bed?**

Answer: The emergency shut-off must be on the tanning device.

**Q20. What is the minimum age requirement to use a tanning facility? Can a 9 year old use the equipment at the facility with parental approval?**

Answer: Florida Statute 381.89 states:(7) A tanning facility may not allow a minor between the ages of 14 and 18 to use a tanning device unless it has on file a statement signed by the minor's parent or legal guardian stating that the parent or legal guardian has read and understands the warnings given by the tanning facility, consents to the minor's use of a tanning device, and agrees that the minor will use the provided protective eyewear.(8) A minor under the age of 14 must be accompanied by a parent or legal guardian when using a tanning device.

Yes, a 9 year old can tan as long as they have parental consent and the parent must be in the room while the minor is tanning.

**Q21. Where does it state that the Department of Health has right of entry language for tanning facilities?**

Answer: The language does not use specific words as in the other program statutes, however this is the language used: 381.89 Tanning Facilities (9) The department shall inspect or investigate a tanning facility as necessary but at least annually. 381.0012 Enforcement authority. -- (1) The department may commence and maintain all proper and necessary actions and proceedings to enforce the rules adopted pursuant to this chapter and may defend all actions and proceedings involving the department's powers and duties. (2) The department may apply for an injunction to the proper circuit court, and the judge of that court upon hearing and for cause shown may grant a temporary or permanent injunction, or both, restraining any person from violating or

continuing to violate any of the provisions of this chapter or from failing or refusing to comply with the requirements of this chapter. A permanent injunction may be issued without bond. However, a temporary injunction may not be issued without bond except after a hearing of which the respondent has been given not less than 7 days' prior notice. A temporary injunction may not be issued without bond which limits or prevents operations of an industrial, manufacturing, or processing plant, unless at the hearing, it is shown by clear, certain, and convincing evidence that irreparable injury will result to the public from the failure to issue the temporary injunction. If a temporary injunction or restraining order is improperly or erroneously granted, the state is liable in damages and to the extent provided for in chapter 768. (3) The department may commence and maintain all proper and necessary actions and proceedings to compel the performance of any act specifically required of any person, officer, or board by any law of this state relating to public health. (4) The department may appear before any trial court judge empowered to issue warrants in criminal cases and request the issuance of a warrant. The trial court judge shall issue a warrant directed to any sheriff, deputy, or police officer to assist in any way to carry out the purpose and intent of this chapter. (5) It shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county officials upon request to assist the department or any of its agents in enforcing the state health laws and the rules adopted under this chapter.

**Q22. Do tanning operator course certifications expire in the state of Florida?**

Answer: The tanning certification course does not have an expiration date at this time.

**Q23. Do you have documentation that only one person is allowed in a tanning room for a session?**

Answer: There is not language in the Florida Administrative Code stating only one person is allowed in the tanning room during session. However, it is important for whoever is in the tanning room while the unit is in operation to have proper eye protection. Failure to use protective eyewear can result in severe burns or long-term injury to the eyes.

**Q24. Do all tanning facility employees have to attend a formal training course?**

Answer: As the owner/operator you must complete training prior to opening your tanning facility. Contact one of the approved certification providers for training information. All employees must be trained if they are going to assist customers that use the tanning devices; this training must be completed 30 after hiring date. As the owner/operator you have the option to send your employees to a formal training course that is taught by one of the approved providers or you can conduct employer/employee training; where once you have completed the formal training course train your employees on the items listed in 64E-17.004(3) and what you were trained on in the formal course. You must document this training.

**Q25. Is there an online tanning facility certification program?**

Answer: There are four approved tanning certification course companies that provide internet training.

- American Tanning Institute: 866-869-6790  
[www.tanningprogram.com](http://www.tanningprogram.com)

- International Smart Tan: 517-784-1772 or 888-826-7297  
[www.smarttan.com](http://www.smarttan.com)
- National Tanning Training Institute: 800-529-1101 ext. 1019  
[www.tanningtraining.com](http://www.tanningtraining.com)
- Tanningschool.com: 877-TAN-SKOL  
[www.tanningschool.com](http://www.tanningschool.com)

**Q26. As I was browsing the Tanning Facility guidelines I noticed that tanning salons need to be inspected twice a year. I was wondering if I could see the inspections for a particular tanning salon my daughter is inquiring about?**

Answer: All records of tanning facilities in the state of Florida are public record and can be viewed by interested parties upon request. You should go to the Environmental Health Office of the County Health Department where the facility is located and make your request.

**Q27. Currently my salon is permitted and operating. We are planning to open a second location and it will also operate under the same name. It will just be a second location. Will we be required to obtain a separate permit for this additional location? Or, can both salons operate under the same permit?**

Answer: Yes, you would have to obtain a separate permit for your second location. Even though the facilities are under the same name each location operates independently of the other and must have a permit.

**Q28. Can I file for a tanning facility license online?**

Answer: No, you cannot file for the Tanning Facilities permit online. You would need to contact your County Health Department Environmental Health section to turn in your application for permit.

**Q29. We are aware of the local county permits such as Certificate of Occupancy, fire inspection, and health inspection. At this time, we are not sure if we need any other State license? Also, what is a certificate of use?**

Answer: In regards to the state of Florida Tanning Facility license, which you would obtain through a health inspection; it is regulated locally by the County Health Department Environmental Health office. If you have not already done so, please contact the County Health Department Environmental Health office and speak with an inspector regarding your tanning facility. The "Certificate of Use" may be a county certificate. It is recommended that you contact the County Business License office to discuss.

**Q30. Is it mandatory that a tanning facility post the statement Tanning facilities must only allow customers to tan only once within a 24 hour period in their location?**

Answer: No, it is not mandatory that a tanning facility post the following statement in their location: Tanning facilities must only allow customers to tan only once within a 24 hour period. However, this statement is in Chapter 64E-17.002(2) (m) Florida Administrative Code. Even though this is not a requirement many tanning facilities have chosen to post this information to inform their clients.

**Q31. Is there any way to find out if a Hair Salon is permitted or licensed to have a tanning bed in their facility?**

Answer: Yes, you can contact the local County Health Department Environmental Health section for that information or the State Tanning Facilities Program Office at 850-245-4277

**Q32. I was asked today if someone who is 16 yrs old can work at a tanning facility. I have never read or heard anything to the contrary. Do you know of any restrictions for someone under age 18 working in a tanning facility of getting certified?**

Answer: We do not have any code against someone 16 years old working in a tanning facility and I have not heard of any restrictions.

**Q33. If a client comes in to tan on a 10 minute bed but wants to split the tanning session into 2 five minute sessions within the same 24 hour period is that a violation?**

Answer: Yes, that is a violation as you can only tan once in a 24 hour period and this would entail a client tanning twice.





