

TEXAS DEPARTMENT OF STATE HEALTH SERVICES DRUGS AND MEDICAL DEVICES GROUP

Tanning Facility Compliance Assistance Packet

In our continuing efforts to help tanning facilities comply with the *Rules for Licensure of Tanning Facilities*, 25 Texas Administrative Code §§ 229.341 – 229.357 (Rules), we have developed a compliance assistance packet. This packet consists of a “Tanning Facility Self-Assessment Survey” (Section I) and a “Test Your Knowledge” quiz (Section II). The “Test Your Knowledge” quiz must be downloaded separately.

Section I, the Tanning Facility Self-Assessment Checklist, is designed to be an educational and interactive tool that will help you to identify those areas of your operation that are not in compliance with the Rules. References are provided to specific sections of the Rules. These references should help you locate the portions of the Rules in order to assist you with making the corrections that are necessary to obtain appropriate compliance with the referenced requirements. When you have completed this survey, you will have a better understanding of Texas regulatory requirements for tanning facilities and your facility’s level of compliance with these requirements.

Section II, the Test Your Knowledge quiz, consists of 34 multiple-choice and true/false questions. These questions are designed to test an operator’s knowledge of regulatory requirements, as they apply to tanning facility operations.

This compliance assistance packet is designed to aid you in the management of your tanning facility. Although it can be maintained as part of your training program documentation, it should not be considered a substitute for an adequate training program of documentation of that training.

If you have any questions about the checklist, the quiz, or their completion, please call (512) 834-6755 and ask to speak with someone in the Tanning Program.

Section I -- Tanning Facility Self-Assessment Checklist

This checklist focuses on state requirements that may have an impact upon consumer safety, including those items that Department of State Health Services Investigators most frequently cite for lack of compliance during inspections of tanning facilities. This survey is not intended to address all requirements found in the Rules for Licensure of Tanning Facilities, 25 Texas Administrative Code §§229.341-229.357 (the Rules). As a licensed tanning facility it is your responsibility to ensure that you are in full compliance with the Rules.

Completing this self-assessment checklist will provide you with general information about your facility’s level of compliance and will help you to identify certain deficiencies. To complete this checklist, answer all of the following questions by checking the appropriate “yes” or “no” response. If a question is answered with a “no” response, we suggest that you check the appropriate section of the Rules to ensure that you are in compliance with the relevant requirement(s). For your convenience, the relevant section(s) of the Rules has been referenced for each of the checklist questions.

Section 1: ULTRAVIOLET (UV) EXPOSURE		
Audit Area and Questions	Yes	No
1. Is a pair of U.S. Food and Drug Administration (FDA) approved protective eyewear maintained with each tanning device? <i>Note: You must have protective eyewear located within each of the rooms containing a tanning device.</i> §229.352		
2. Do you require all customers to use FDA approved protective eyewear while tanning? §229.352(a)		
3. Are all tanning devices at your facility controlled by remote timers? §229.351(d)		
4. Are the remote timers located so that they cannot be reset by the customer? §229.351(d)		
5. Does the tanning facility operator use the exposure schedule provided with the tanning device, in conjunction with the customer’s skin type, to determine the customer’s maximum exposure time? <i>Note: The tanning facility operator is defined as the owner of the tanning facility, or an agent of the owner, or a person who operates a tanning facility.</i> §229.351(c)		
6. Does the operator control the customer’s length of exposure time to ensure that the customer’s exposure time does not exceed the time recommended on the exposure schedule? §229.351(c)		
7. Does the operator control the customer’s tanning sessions to ensure that a customer does not tan more frequently than once within a twenty-four-hour period? §229.354(c)(2)		

Section 2: PERSONNEL/TRAINING

Audit Area and Questions	Yes	No
1. Are the operators of the tanning devices trained and is their training documented? §229.353(b)		

Section 3: COMPLAINTS

Audit Area and Questions	Yes	No
1. Do you have a written procedure for handling complaints about illness or injury? §229.353(e)(6)		
2. Does the written procedure include a provision for submitting a written report to the DSHS within five working days of your becoming aware of a tanning related injury or illness? §229.355		
3. Is an incident log maintained at the facility documenting the proper information? §229.354(d)		
4. Are all operators aware of the complaint handling procedure and that complaints involving injury or illness must be reported to DSHS? §§229.353 & 229.355		

Section 4: TIMERS

Audit Area and Questions	Yes	No
1. Is the remote timer's maximum interval (maximum time to which the timer can be set) equal to the maximum exposure time recommended on the exposure schedule? §229.351(b)		
2. Is the remote timer's error less than ten percent of the maximum timer interval? For example is a twenty minute timer accurate to within plus or minus two minutes. §229.351(b)		

Section 5: LABELING

Audit Area and Questions	Yes	No
1. Do all tanning devices have, in a location that can be easily read by the customer, a warning label with the following statement? DANGER–Ultraviolet radiation. Follow instructions. Avoid over-exposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product. §229.351(a)		
2. Are all tanning device labels legible and permanently affixed to the tanning device? §229.351(a)		
3. Do all tanning devices have, in a location that can be easily read by the customer, a label that describes the recommended ultraviolet lamp that is to be used with the tanning device? §229.351(a)		
4. Is an operator’s manual available for each tanning device? §229.351(a) & 229.353(b)(4)		
5. Do all of the operator’s manuals (user instructions) include a reproduction of the recommended exposure schedule and ultraviolet lamp type labeling? §229.351(a)		
6. Are the exposure schedule and recommended ultraviolet lamp information in the operator’s manual the same as the information provided on the tanning device’s exposure schedule label? <i>Note: The device label and the operator’s manual should provide exactly the same information!</i> §229.351(a)		

Section 6: LAMPS

Audit Area and Questions	Yes	No
1. Are the ultraviolet lamps that are installed in your tanning devices the same as those recommended by the tanning device manufacturer or equivalent to the manufacturer’s recommended lamps? §229.351(h)		
2. Do your tanning devices contain the required number of lamps and are the lamps working properly? §229.351(h)		
3. Are filters for high pressure (quartz/halogen) lamps, including facial lamps, in good repair? §229.351(g)		

Section 7: MISCELLANEOUS EQUIPMENT REQUIREMENTS

Audit Area and Questions	Yes	No
1. Are fans & ventilation adequate to keep the contact surface and surrounding area below 100 degrees Fahrenheit? §229.351(f)		
2. Are tanning devices, including the acrylic barriers, maintained in good repair? §229.351(g)		

Section 8: TANNING RECORDS

Audit Area and Questions	Yes	No
1. Is each customer provided with a liability notice and required to sign a warning statement prior to their first tanning session? §229.354(a) and (b)		
2. Does the liability notice include each of the warnings specified in the tanning rules? See section 229.354(a) (1) (A) through 229.354(a) (1) (H) of the Rules.		
3. Is an <u>individual</u> record kept for each customer that documents the customer's total number of tanning sessions and the time of day, the date, the device that was used, and the length of exposure (in minutes) for each of the customer's tanning sessions? §229.354(c)		
4. Before any person 13 - 17 years old is allowed to tan, is a signed informed consent statement obtained from the person's parent or legal guardian? §229.354(b)(2) and (3)		

Section 9: SANITATION

Audit Area and Questions	Yes	No
1. Are eyewear and all tanning device contact surfaces sanitized after each tanning session by the facility operator or by some other employee of the tanning facility? §229.356(b) & (c)		
2. Is the sanitizer a United States Environmental Protection Agency (USEPA) approved sanitizer? §229.356(b) & (c)		
3. Is the sanitizer solution's strength tested on a <u>daily</u> basis? Are the measurements recorded in a log with other required information? §229.356(d)		

Section 10: WARNING SIGNS

Audit Area and Questions	Yes	No
1. Is an entrance area warning sign, of the type required by the tanning rules displayed in the entrance area (17" X 22", does it display the DSHS toll-free complaint telephone number, 1-888-839-6676)? §229.350(a) & (c)		
2. Is a tanning room warning sign, of the type required by the tanning rules displayed in each tanning room (17" X 22", does it display the DSHS toll-free complaint telephone number, 1-888-839-6676)? Note: Entry way and tanning room warning signs can be obtained from the Texas Department of State Health Services or from most tanning supply distributors. §229.350(b) & (c)		

Name of tanning facility: _____

Self-assessment performed by: _____ **Print Name** Date: _____ **Month, Day and Year**