

  
*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 12-0536

**Date:** February 16, 2012

**Prime Sponsor(s):** Rep. Peniston

**Bill Status:** House Economic and Business Development

**Fiscal Analyst:** Kirk Mlinek (303-866-4782)

**TITLE:** CONCERNING RESTRICTING ACCESS BY MINORS TO ARTIFICIAL TANNING DEVICES.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b>		
Cash Funds		
Tanning Device Education Fund	<\$5,000	<\$5,000
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

The bill requires persons under the age of 18 to have the consent of a parent or legal guardian prior to patronizing an establishment for purposes of using an artificial tanning device. The consenting parent of a minor under 14 years of age must remain on site for the duration of any tanning session. Unless withdrawn by a parent or legal guardian, a consent form is valid for 6 months.

The Department of Public Health and Environment (DPHE) is required to develop a standard consent form. The form must be made available on the DPHE web site and be available for download at no charge. The DPHE must establish guidance on required proof-of-age documentation to be provided by a minor seeking access to a tanning facility or artificial tanning device.

The DPHE may assess a penalty of up to \$200 per day if it finds that an owner, employee, or operator has failed to comply with the bill's requirements. Penalty fees are credited to the Tanning Device Education Fund. The State Board of Health may adopt rules, at its discretion, to implement the bill.

**State Revenue**

**Cash fund revenue is expected to increase less than \$5,000 under the bill.** The bill allows the DPHE to assess a penalty of up to \$200 per day for owners, employees, or operators who fail to comply with the bill. Less than \$5,000 of such revenue is expected per year.

**State Expenditures**

**State expenditures will not increase under the bill.** The DPHE can develop a consent form and proof of age guidance within existing appropriations. The Department of Law will assist DPHE if the State Board of Health determines to initiate the rules promulgation process. This increase in workload is expected to be minimal and will be absorbed within existing appropriations.

The fiscal note assumes that actions brought against operators and lessees of tanning facilities will be limited to the assessment of fines, and that judicial action will not ensue. Should judicial action arise, the number of cases filed with the courts is expected to be minimal, and the courts will absorb the related increase in workload within existing appropriations.

**Departments Contacted**

Public Health and Environment

Judicial

Law