



Board of Health

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ARTICLE 21 **REGULATION OF INDOOR TANNING FACILITIES**

SECTION 21.1 **AUTHORITY**

This regulation is promulgated under the authority granted to the Needham Board of Health under Massachusetts General Law Chapter 111, Section 31, which states that “boards of health may make reasonable health regulations.”

SECTION 21.2 **RATIONALE/PURPOSE**

The purpose of this Regulation is to complement the Massachusetts Radiation Control Program regulation entitled “Tanning Facilities”, [105 CMR 123.000](#), to allow for local oversight and inspection of indoor tanning facilities to ensure the facilities are closely monitored to meet the requirements set forth by the Town of Needham’s Board of Health.

The Needham Board of Health finds that sound and reasonable scientific evidence exists, evidence which demonstrates the dangers of tanning. Further, the Needham Board of Health has concluded that limiting access to tanning facilities for individuals under 21 years of age is necessary to protect public health.

SECTION 21.3 **ADOPTION OF 105 CMR 123**

The Massachusetts Radiation Control Program regulation entitled “Tanning Facilities” ([105 CMR 123.000](#)), as recorded on January 1, 2016, is hereby adopted.

SECTION 21.4 **OPERATORS**

Section 105 CMR 123.003 (C) is hereby amended by adding the following sentence:

No tanning facility shall employ a person under 21 years of age as an operator or permit an employee under 21 years of age to operate a tanning device.

SECTION 21.5 **PROHIBITION OF YOUTH TANNING**

Section 105 CMR 123.003(D) (2) and (3) is stricken and replaced (as Section 2) with the following sentence:

No person under the age of 21 shall use a tanning device.

SECTION 21.6 **NOTICE**

The Operator of a tanning facility must post notice of such prohibition and such notice shall be provided by the Board of Health and shall be posted conspicuously by the operator.

SECTION 21.7 **VIOLATIONS**

It shall be the responsibility of the operator to ensure compliance with all sections of this regulation. Violations shall be enforced in accordance with the provisions of 105 CMR 123 and the Town of Needham By-Laws entitled Non-Criminal Disposition of Certain Violations.

SECTION 21.8 **EFFECTIVE DATE**

Upon approval by the Board of Health, a copy shall be filed with the Massachusetts DEP and with the Needham Town Clerk. The regulation shall also be published in a newspaper in circulation with the Town of Needham. The Regulation shall become effective on January 1, 2016.

This regulation shall take effect upon March 4, 2016. Public hearings and open meetings regarding this regulation were conducted on November 20, 2015, December 16, 2015, and January 8, 2016. This regulation was enacted by a unanimous vote of the Board of Health on January 8, 2016.