



State of Oregon Tanning Operator Training

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1. The Mission Statement

- a. Promote the health and safety of the people in Oregon by protecting them from unnecessary radiation exposure.
 - i. *Establishing, adopting, and maintaining radiation protection standards for x-ray equipment and other radiation monitoring devices, radioactive materials, and tanning beds ...*

2. Contact Information

- a. Tanning Inspectors:
 - i. Michelle VanKleeck – 971-673-0513
 - ii. Matt Jaqua – 971-673-0221
 - iii. Molly Keller – 971-673-0496
- b. Registration:
 - i. Sharon Ross – 971-673-0509
- c. Managers:
 - i. David Howe – Section Manager – 971-673-0499
 - ii. Rick Wendt – Operations Manager – 971-673-0505
 - iii. Todd Carpenter – Licensing Manager – 971-673-0500
- d. Main Office Phone: 971-673-0490
 - i. TTY: (971) 673- 0372
- e. Website: www.healthoregon.org/rps

3. The Oregon Administrative Rules pertaining to tanning devices include:

- a. [333-103: Fees](#)
- b. [333-111: Inspections](#)
- c. [333-119: Registration of Tanning Facilities](#). The following information is from this division.
- d. [333-124: Civil Penalties](#). Information on 124 included at the end.

4. Chapter 333, Division 119, § 0001-0200

- a. *The purpose of this Division is to regulate tanning facilities to minimize the risks associated with tanning by artificial Ultraviolet light.*
- b. The requirements... apply to any tanning facility that operates any tanning devices. *Physicians' phototherapy devices are exempt.*
- c. In addition... all registrants are subject to the applicable provisions of other parts of these rules.

5. Licensing & Registration 333-119-0020

- a. ALL TANNING DEVICES MUST BE REGISTERED WITH THE STATE.
- b. Fill out the [registration form](#) **completely**.
- c. The license fee is **\$100** for each bed, you may send a check with your facility application OR after the application is received you will be sent an invoice.
 - i. At this time we do not accept credit card.
- d. **Licenses are NON TRANSFERABLE.**
- e. License fees are due **January 1st** of each year.
 - i. You will receive renewal notices in the mail starting around October of each year.
- f. Each License is to be posted in the facility in public view.
- g. If you sell your business or are a new owner, you have **30 days** to notify the agency of ownership change.
- h. If you buy or sell any of your tanning devices you have **30 days** to notify the agency of the equipment change.

6. Administrative Responsibilities 333-119-0030

- a. A tanning device which does not meet the provisions of these rules shall not be operated.
- b. The registrant shall ensure that the tanning facility will comply with all applicable federal laws and regulations.
- c. Registrants are also subject to divisions 103: Fees, 111: Inspections and 124: Civil Penalties.
- d. **After each inspection the facility is left with an Inspection report. You have 30 days to respond to any items of non-compliance.**
- e. The [Notice to the Public](#) sign will be posted in public view.

Note: Depending on the type of facility you own or work in, you may wish to post this sign in each tanning room. If you choose to do that, make sure there is one in each room.

7. Operation of Tanning Facility 333-119-0040

- a. **Physical Facility:**
 - i. Registrants will provide a maintained restroom.
 - ii. The restroom will include a working:
 1. Toilet and
 2. Sink
 - iii. The room where the tanning device is located will be below 100°F
 - iv. The facility will be maintained in accordance with city, county and state codes.
 - v. **JANUARY 2013 THE SANITIZER RULE CHANGED.**
 - vi. All tanning devices and tanning goggles **MUST** be cleaned with a sanitizer approved by the manufacturer. Check the operator's manual.

- vii. If the manual does not tell you a specific sanitizer, you may use a sanitizer that contains quaternary ammonia, be sure to mix it to a concentration between 400-800ppm.
 - 1. You are required to provide goggles. If you choose to sell them, that is acceptable. If you choose to sanitize and re-use them that is also acceptable. *Note: If you sanitize them, make sure they are rinsed off with water and dried with a clean towel. You don't want to get sanitizer in your eye!*
- viii. The sanitizer **MUST** be mixed to the proper concentration.
 - 1. Use a Quat Test kit to ensure proper concentration when you mix the sanitizer. If the sanitizer sits around check it with the quat test weekly to ensure it is still at the proper concentration.
- b. **Cleaning and Maintenance:**
 - i. All areas of the tanning facility will be maintained in a clean and sanitary manner by facility operator
 - ii. Tanning devices are to be cleaned with a sanitizer after each use **by the facility operator.**
 - iii. A clean paper or cloth towel will be used each time the tanning device is cleaned and sanitized. **DO NOT RE-USE CLEANING TOWELS.**
 - iv. Facilities must:
 - 1. have a test kit that accurately measures the concentration of the sanitizing solution.
 - 2. provide customers with clean towels (cloth or paper).
 - 3. provide an appropriate hamper or trash can for the towels.
 - v. **Service animals are the only animals allowed in the tanning salon.**

8. Warning Statement 333-119-0050

- a. The warning statement is usually located on the client cards.
- b. Customers need to acknowledge the warning statement by providing a signature and date.
- c. Customer signatures need to be updated **once a year.**
- d. These records must be available for inspector review.
- e. The warning statement says: *“**Warning** not wearing the protective eyewear provided to each customer by the tanning facility may cause damage to the eyes; and overexposure to the tanning process may cause skin cancer or premature aging of the skin or both; and abnormal skin sensitivity or burning may result from the tanning process if the customer is also consuming or using certain foods, cosmetics, or medications such as tranquilizers, antibiotics, diuretics, high blood pressure medication, antineoplastics or birth control pills, and any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.”* In other words:
 - i. Not wearing goggles may cause eye damage
 - ii. Overexposure may cause burns
 - iii. Repeated exposure may cause skin cancer and/or premature ageing of the skin
 - iv. Certain foods, cosmetics and medications may cause skin sensitivity or burns
 - v. Persons taking prescriptions should consult a doctor before tanning.

9. Warning Sign 333-119-0060

- a. The [Warning sign](#) is to be posted *conspicuously* within **1 meter, 39.37 inches**, or approximately **3 feet** of each tanning device
- b. The sign contains the following information:
 - i. Danger UV radiation, follow instructions
 - ii. Overexposure may cause cancer and/or premature ageing of skin
 - iii. Wear eyewear, not wearing eyewear may cause long term injury to eyes
 - iv. Medications, cosmetics may increase sensitivity to UV radiation
 - v. If you do not tan in the sun? Unlikely to tan w/ tanning device
- c. Do not block or cover the sign with anything.
- d. You may print the sign on different paper or on acrylic sheets, but do not change the size.

10. Eyewear 333-119-0070

- a. Facilities must provide protective eyewear to customers.
 - i. You may sell them.
 - ii. You may, **sanitize & re-use**
- b. Operators are required to make sure customers are wearing approved protective eyewear.
- c. Ask to see the goggles before the customer goes in to tan.
- d. **No goggles, no tan!**
 - i. No, sunglasses will not work
 - ii. No, a towel will not work

11. Training of Personnel 333-119-0080

- a. The registrant will maintain records of device operators.
 - i. Registrants are encouraged to use the [Log of Operator Training](#) to track properly trained tanning operators.
 - ii. Keep copies of all employee training certificates.
 - iii. Inspectors will review all certificates during an inspection.
- b. The registrant will ensure all operators are adequately trained in:
 - i. The rules of this division
 - ii. Procedures for correct operation of the tanning facility and tanning devices
 - iii. Recognition of injury or overexposure to ultraviolet radiation
 - iv. The tanning device operator's manual.
 - v. **The determination of skin type #'s of customers and appropriate determination of duration of exposure to registered tanning devices.**
 - vi. Emergency procedures to be followed in case of injury
 - vii. Potential photosensitizing foods, cosmetics, and medications
- c. Tanning devices are to be operated only while an adequately trained operator is present at the tanning facility. **If an employee is not present no one can tan.**
- d. All operators of registered tanning facilities must successfully complete a Department approved tanning training course in the State of Oregon prior to commencement of tanning operations.
- e. The registrant will [document](#) the staff training. **Copies of the training certificates must be kept at the facility.**
- f. Inspectors will review training certificates.

12. Consumers 333-119-0090

- a. Only 1 customer per tanning room at a time
 - i. Except when two or more devices are in a room, and
 - ii. When a customer may need assistance **BOTH people are required to wear eye protection.**
- b. **No customer under age 18 without written parental consent.**
 - i. Parental Consent must be provided in person and witnessed by tanning operator
 1. This information must be recorded.
 2. The [sample client cards](#) provide a space to record this information.
 - ii. An '[Under 18](#)' sign shall be posted in public view.

Note: Depending on the type of facility you have, you may wish to post this sign in each tanning room. That is ok; make sure there is one in each room.
- c. A list of photosensitizing agents, [Medication List](#), shall be available for customers to review.

Note: You may wish to post this sign in the front of the salon. You may also wish to post this sign in each tanning room, which is ok.
- d. All tanning devices must be controlled by a remote digital timer.
- e. Each consumer shall be instructed on how to operate the tanning device.
- f. **NO INFANTS OR MINORS ALLOWED IN TANNING ROOM!**
- g. You can only tan 1 time in a 24 hour period or 1 in a 48 hour period (depending on what the bed manufacturer says).
- h. To properly determine exposure times, each customer must have a **skin type number** recorded on their client card or in their electronic file.
 - i. Operators CANNOT visually assess a customer to determine their skin type
 - ii. Customers must fill out the skin typing chart to determine this number
 - iii. Operators need to double check customers answered and addition.
 - iv. Skin typing must be done for each new customer.
 - v. Operators will need to update existing customer's records, if you are not currently recording their skin type number.
 - vi. Once you have a skin type number you can then compare it to the exposure schedule posted on each tanning device.
 - vii. Follow the exposure schedule for each tanning device.
 - viii. Following the exposure schedule will reduce the risk of customers leaving burnt.

13. Equipment 333-119-0100

- a. All devices must have **acrylic coverings** for the lamps. Wire coverings are not allowed.
- b. Stand up tanning devices:
 - i. Need to have a handrail on the inside
 - ii. Need to be sturdy
- c. All devices must have FDA required labels attached and readable.
 - i. If any part of the label is unreadable, you must replace it.
- d. All burned out lamps must be replaced with the same lamp or an approved equivalent.
- e. Lamp certification or lamp equivalency charts are required for after market lamps
 - i. Inspectors will review this

- f. **If you are using an approved after market lamp or an approved equivalent, you must have a Lamp Equivalency Certification available.**
 - i. A lamp equivalency certification is a piece of paper that says the installed lamp is equivalent to the manufacture required lamp.
 - ii. Make sure your required lamp and your installed lamp are actually on the equivalency chart.
 - iii. Highlight the lamp you have installed in the bed and the manufacture required lamp to ensure you have the correct lamp equivalency certificate.
Note: You may need to contact your lamp vendor and have them send you an updated chart.
 - iv. Number the equivalency charts for each of the rooms to help the inspection move quickly.
 - v. Keep equivalency certificates for inspector review.
 - vi. If it is determined that you have a non-equivalent lamp installed you will be required to replace the lamps with an equivalent lamp.
- g. Dispose of burned out tanning lamps properly (See number 14).
- h. You must provide a room, screen, shield, or curtain for tanning devices
- i. Each device **MUST** have a **digital timer**.
- j. Each timer must not exceed manufacturer's maximum exposure time.
- k. Device timers shall
 - i. **be controlled by a trained operator,**
 - ii. be remote (outside of the tanning room or booth),
 - iii. be accurate within + or – 10%, and
 - iv. be digital.
- l. **TIMERS MUST BE CHECKED ANNUALLY. RECORD EACH TEST ON TIMER TEST RECORD.**
 - i. Inspectors will check timer test records.
- m. Each tanning device shall have an emergency shut off button on the device!
- n. Emergency shut off buttons must be operable (**inspectors will check this during the inspection**)
- o. All tanning devices shall be maintained to the minimum requirements of the manufacturer.

14. Mercury

- a. Lamps contain mercury vapor.
- b. Mercury is a toxic metal that can accumulate in living tissue and cause adverse health effects. Businesses and governments in Oregon discard several million lamps each year, making these lamps the largest source of mercury in our solid waste-stream.
- c. Excessive exposure to mercury can result in:
 - i. Tremors
 - ii. loss of sensation in extremities
 - iii. vision and hearing loss
 - iv. developmental and behavioral abnormalities
 - v. Mercury is especially harmful to fetuses and to small children.
 - vi. Women of childbearing age are at special risk

- d. Lamps must be disposed of through a licensed facility. Contact your local waste disposal company.

15. Record Keeping 333-119-0110

- a. Maintain record of customers on [Client Cards](#), or electronically
- b. Customer information must include the following information:
 - i. Name
 - ii. Date of Birth
 - iii. Total # of tanning visits
 - iv. Dates of visit
 - v. Durations of visit
 - vi. **Signature & Date, acknowledging they understand the potential risks**
Note: The signature acknowledging understanding of potential risks must be updated once a year!
 - vii. Parental consent signature and date
 - viii. **Skin Type Number**
- c. The [sample client cards](#) contain all of the required information.
- d. Electronic records are ok, as long as the required information is recorded.
- e. Inspectors will review client records.

16. Reporting an Injury 333-119-0110

- a. Was there medical attention required? If yes you must:
 - i. Submit a **record of injury** to the State within **5 working days** after occurrence.
 - ii. The report shall include:
 - 1. Name, address, and phone # of injured
 - 2. Name, address, and phone # of tanning facility
 - 3. Nature of actual/alleged injury
 - 4. Information relevant to actual/alleged injury

17. Records & Reports 33-119-0110

- a. Maintain records showing the results of annual timer tests
 - i. Conduct a timer test yearly on EACH tanning device.
 - ii. Timer must be accurate within + or – 10%
 - iii. Record the timer tests on the [Timer Test Record](#)
 - iv. Inspectors will review this. Inspections are once every 3 years; there should be more than one timer test on the record (unless you are a brand new facility).
- b. Keep the operators manual for each tanning device.
 - i. If you do not have one, contact the manufacturer. **It needs to be kept at the facility.**
- c. Keep on file [maintenance records](#) for each tanning device.
- d. All required records shall be maintained until inspected by the Agency and shall be so filed as to be **readily available for review**.
 - i. This means whoever is working has access to **ALL** of the required records.
 - ii. ***Tip: Keep a binder (up to date) with all of the required records! (Label it Tanning Inspector)***

18. Advertising 333-119-0120

- a. Registrants will not claim or distribute promotional materials that claim using a tanning device is safe, free from risk or that using the device will result in medical or health benefits.
- b. **Only cosmetic claims can be promoted.**
- c. Do not refer to your facility as being registered with the Authority
- d. **No person or facility will advertise or promote tanning packages labeled as “unlimited”.**
- e. **Do not advertise or promote tanning packages as “unlimited”.**
 - i. This includes advertising on/in:
 - 1. Signs
 - 2. windows
 - 3. flyers
 - 4. newspapers
 - 5. television
 - 6. radio
 - 7. email
 - 8. web pages
 - 9. craigslist
 - 10. MySpace
 - 11. Twitter
 - 12. Facebook...

19. Is anyone exempt from these regulations? 333-119-0130

- a. Phototherapy device used by the direct supervision of a physician
- b. Individuals who own a tanning device EXCLUSIVELY for personal use.
- c. Devices in storage
 - i. Must have power supply physically disconnected
 - ii. Lamps removed

20. Denial, Revocation, or Termination of Registration 333-119-0140

- a. Some reasons for the above:
 - i. Any false statement on application
 - ii. Operation of facility that causes or threatens a hazard to public health or safety
 - iii. Failure to allow authorized representative of Agency to enter
 - iv. Failure to observe any of the terms and conditions of the rules

21. Civil Penalty for Non-payment of Registration 333-124-0010(8)

- a. Division 124 was filed on February 16, 2010.
- b. Division 124 covers civil penalties for non-payment of registration fees, and failure to respond to inspection findings.

Sample of how Division 124 applies to registration: For 1 tanning device (\$100):			
Days Past Due	% of total Registration Fees	Civil Penalty (CP) Owed	Registration Fees + Civil Penalty
30	3%	\$3 x 30 days = \$90	\$190
60	5%	\$5 x 30 days = \$150	\$340
90	10%	\$10 x 30 days = \$300	\$640
120	10%	\$10 x 30 days = \$940	\$940

- c. Inspection civil penalty
 - i. State inspectors will leave you with an “Inspection Finding Report & Registrant Acknowledgement’ form with a list of citations, corresponding severity levels (listed below #22) and the number of instances.
 - ii. **You have 10 days from the date of the inspection to respond to registration or training violations.**
 - iii. **You have 30 days from the date of the inspection to correct all of the items and submit your response in writing.**
 - 1. When responding to the inspection, be sure you respond in writing to each item marked on the report.
 - 2. Include copies of any receipts for service, copies of any records you may have been missing, the cover page of any operator’s manuals you were missing.
 - 3. Do not ignore your inspection findings! If you need clarification or more time to fix the items contact your inspector right away.
 - 4. If you need more time to respond or you are having trouble fixing a citation, contact your inspector.
 - 5. Communicate with your inspector!
 - iv. **If we receive your registration and training response within the 10 days and all other responses within 30 days and you have responded in an acceptable way to each item you do not have to worry about civil penalties!**

22. Inspection Civil Penalty 333-124

- a. Inspectors will leave you with a list of citation and their severity levels.
- b. **You have 10 days from the date of the inspection to respond to registration or training violations.**
- c. **You have 30 days from the date of the inspection to correct all of the items and submit your response in writing.**
 - i. When responding to the inspection, be sure to respond in writing to each item marked on the report.
 - ii. Include copies of any receipts for service, copies of any records you may have been missing, the cover page of any operator’s manuals you were missing.
 - iii. Do not ignore your inspection findings! If you need clarification or more time to fix the items contact your inspector right away.
 - iv. If you need more time to respond or you are having trouble fixing a citation, contact your inspector.
 - v. Communicate with your inspector!
- d. If we receive your registration and training response within the 10 days and all other responses within 30 days and you have responded in an acceptable way to each item, you do not have to worry about civil penalties
- e. If we do not hear from you in 10 days for training or registration or 30 days for all other responses, the information will be forwarded to management and a civil penalty will be issued.

23. Summary

- a. All tanning devices must be registered
- b. Signs must be posted
- c. Training records & certificates must be kept up to date
- d. Maintenance records must be kept and up to date
- e. Timer test completed for EACH bed once a year & recorded
- f. No eye wear no tan
- g. Each customer must have a skin type number on record
- h. Don't ignore citation on your inspection.
- i. Questions? Contact your inspector!
- j. Tanning Inspectors:
 - i. Michelle VanKleeck – 971-673-0513
 - ii. Matt Jaqua – 971-673-0221
 - iii. Molly Keller – 971-673-0496
- k. Registration:
 - i. Sharon Ross – 971-673-0509
- l. Managers:
 - i. David Howe – Section Manager – 971-673-0499
 - ii. Rick Wendt – Operations Manager – 971-673-0505
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