

1 10A NCAC 15 .1418 is proposed for amendment as follows:

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3 **10A NCAC 15 .1418 RECORDS: REPORTS AND OPERATING REQUIREMENTS**

4 (a) Prior to initial exposure, the tanning ~~facility~~ operator shall provide each consumer the opportunity to read a copy  
5 of the warning specified in Rule .1414(b) of this Section and ~~request that~~ have the consumer sign a statement that the  
6 information has been read and understood. For illiterate or visually impaired persons unable to sign their name, the  
7 warning statement shall be read aloud by the ~~operator,~~ operator to that individual, in the presence of a witness, and the  
8 witness and the operator shall sign the statement.

9 (b) The registrant shall maintain a record of each consumer's total number of tanning visits including dates and  
10 durations of tanning exposures.

11 (c) The registrant shall submit ~~to the agency~~ a written report of injury for which medical attention was sought or  
12 obtained from the use of registered tanning equipment to the Radiation Protection Section within five working days  
13 after occurrence. The report shall include:

- 14 (1) the name of the affected individual;
- 15 (2) the name and location of the tanning facility involved;
- 16 (3) the nature of the actual or alleged injury; and
- 17 (4) any other information relevant to the actual or alleged injury, to include the date and duration of  
18 exposure and any documentation of medical attention sought or obtained.

19 (d) The registrant shall not allow individuals under the age of 18 to use tanning equipment. ~~equipment unless the~~  
20 ~~individual provides a consent form and a statement, described in Paragraph (a) of this Rule, signed by that individual's~~  
21 ~~parent or legal guardian.~~

22 (e) The registrant shall verify by checking legal identification that each consumer is 18 years of age or older.

23 ~~(f)~~ (f) The registrant shall not allow minors to remain in the tanning room while the tanning equipment is in ~~operation~~  
24 ~~except as provided for in this Rule.~~ operation.

25 ~~(g)~~ (g) The registrant shall replace defective or burned out lamps, bulbs, or filters with a type intended for use in the  
26 affected tanning equipment as specified by the manufacturer's product label and having the same spectral distribution  
27 (certified equivalent lamp).

28 ~~(h)~~ (h) The registrant shall replace ultraviolet lamps and bulbs ~~which~~ that are not otherwise defective or damaged, at  
29 such frequency or after such duration of use as ~~may be~~ is recommended by the manufacturer of such lamps and bulbs.

30 ~~(i)~~ (i) The registrant shall certify that all tanning equipment operators are trained in at least the following:

- 31 (1) the requirements of this Section;
- 32 (2) procedures for correct operation of the tanning facility and tanning equipment;
- 33 (3) recognition of injury or overexposure to ultraviolet radiation;
- 34 (4) the tanning equipment manufacturer's procedures for operation and maintenance of the tanning  
35 equipment;
- 36 (5) the determination of skin type of customers and ~~appropriate~~ determination of duration of exposure  
37 to registered tanning equipment; and

1 (6) emergency procedures to be followed in case of injury.

2 ~~(j)~~ (j) The registrant shall allow operation of tanning equipment only by and in the physical presence of persons who  
3 have successfully completed formal training courses ~~which~~ that meet the requirements of Subparagraphs ~~(h)(1)~~ (i)(1)  
4 to (6) of this Rule.

5 ~~(k)~~ (k) The registrant shall maintain a record of operator training required in Paragraphs ~~(h) and (i)~~ (i) and (j) of this  
6 Rule for inspection by authorized representatives of the agency.

7 ~~(l)~~ (l) No registrant shall possess, use, operate, or transfer tanning equipment or their ultraviolet radiation sources in  
8 such a manner as to cause any individual under 18 years of age to be exposed to radiation emissions from such  
9 ~~equipment except in accordance with Paragraph (d) of this Rule.~~ equipment.

10 ~~(m)~~ (m) Each registrant shall make available to all employees current copies of the following documents:

- 11 (1) the facility's certificate of ~~registration;~~ registration with the Radiation Protection Section; and
- 12 (2) conditions or documents incorporated into the registration by reference and amendments thereto.

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14 *History Note: Authority G.S. 104E-7(a)(7); G.S. 104E-9, G.S. 104E-9.1, and G.S. 104E-12;*

15 *Eff. June 1, 1989;*

16 *Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;*

17 *Transferred and Recodified from 15A NCAC 11 .1418 Eff. February 1, ~~2015~~ 2015;*

18 *Amended Eff. May 1, 2016.*