

1 10A NCAC 15 .1403 is proposed for amendment as follows:
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3 **10A NCAC 15 .1403 DEFINITIONS**

4 As used in this Section, the following definitions shall apply:

- 5 (1) "Agency" means the North Carolina Department of ~~Environment and Natural Resources~~. Health and
6 Human Services, Division of Health Service Regulation, Radiation Protection Section.
- 7 (2) "Consumer" means any individual who is provided access to a tanning facility which is required to
8 be registered pursuant to provisions of this Section.
- 9 (3) "Formal Operator Training" is a course of study approved by this agency as meeting the
10 requirements in Paragraph (h) of Rule .1418 in this Section.
- 11 (4) "Individual" means any human being.
- 12 (5) "Inspection" means an official examination or observation to determine compliance with the rules
13 in this Section, and orders, requirements and conditions of the agency.
- 14 (6) "Minor" means any individual less than 18 years of age.
- 15 (7) "Medical Lamps" means any lamp that is specifically designed or labeled for medical use only.
- 16 (8) "Operator" means any individual designated by the registrant to operate or to assist and instruct the
17 consumer in the operation and use of the tanning facility or tanning equipment. Under this
18 definition, the term "operator", includes, but is not limited to, any such individual who conducts one
19 or more of the following activities:
- 20 (a) determining consumer's skin type;
- 21 (b) determining the suitability of prospective consumers for tanning equipment use;
- 22 (c) informing the consumer of dangers of ultraviolet radiation exposure including
23 photoallergic reactions and photosensitizing agents;
- 24 (d) assuring that the consumer reads and properly signs all forms as required by the rules in
25 this Section;
- 26 (e) maintaining required consumer exposure records;
- 27 (f) recognizing and reporting consumer injuries or alleged injuries to the registrant;
- 28 (g) determining the consumer's exposure schedule;
- 29 (h) setting timers which control the duration of exposure; and
- 30 (i) instructing the consumer in the proper use of protective eyewear.
- 31 (9) "Person", as defined in G.S. 104E-5(11), means any individual, corporation, partnership, firm,
32 association, trust, estate, public or private institution, group, agency, political subdivision of this
33 state, any other state or political subdivision or agency thereof, and any legal successor,
34 representative, agent or agency of these entities.
- 35 (10) "Registrant" means any person who is registered with the agency as required by provisions of this
36 Section.
- 37 (11) "Registration" means registration with the agency in accordance with provisions of this Section.

- 1 (12) "Tanning components" means any constituent tanning equipment part, to include ballasts, starters,
2 lamps, reflectors, acrylic shields, timers, and airflow cooling systems.
- 3 (13) "Tanning equipment" means ultraviolet or other lamps and equipment containing such lamps
4 intended to induce skin tanning through the irradiation of any part of the living human body with
5 ultraviolet radiation, e.g., beds, booths, facials and wands.
- 6 (14) "Tanning equipment services" means the installation, sales and servicing of tanning equipment and
7 associated tanning components; calibration of equipment used in surveys to measure radiation and
8 timer accuracy; tanning health physics consulting, e.g. radiation output measurements, design of
9 safety programs, training seminars for tanning operators and service personnel.
- 10 (15) "Tanning facility" means any location, place, area, structure or business which provides consumers
11 access to tanning equipment. For the purpose of this definition tanning equipment registered to
12 different persons at the same location and tanning equipment registered to the same person, but at
13 separate locations, shall constitute separate tanning facilities.
- 14 (16) "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200
15 nanometers and 400 nanometers.

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17 *History Note:* Authority G.S. 104E-7(a)(7); S.L. 2011-145, s.13.3(e);
18 Eff. June 1, 1989;
19 Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;
20 Transferred and Recodified from 15A NCAC 11 .1403 Eff. February 1, 2015; 2015;
21 Amended Eff. May 1, 2016.