ARTICLE 33-42
TANNING FACILITIES

Chapter
33-42-01 Tanning Facilities

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SECTION 1. Section 33-42-01-02 is amended as follows:

33-42-01-02. Definitions.

The terms used throughout this article have the same meaning as in North Dakota Century Code chapter 23-39 except:

1. "Applicant" means any person who applies to the department for a license to operate a tanning facility.

2. "Customer" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a benefit of membership in or access to a health club, condominium ownership, apartment complex activity center, hotel or motel room rental, or other offer.

3. "Department" means the ~~state~~ department of health and human services.

4. "Operator" means an individual designated by the licenseholder to manage the tanning facility and to assist and instruct the public in the correct operation of the tanning devices.

5. "Person" means any individual, corporation, partnership, firm, association,

trust, estate, public or private institution, group or agency, or a representative or agent of any of these.

6. "Protective eyewear" means any apparatus designed to be worn over the eyes by a user of tanning devices which absorbs all UV-A, UV-B, and visible light up to five hundred nanometers but permits sufficient light to pass through to allow a user to safely negotiate obstacles, and that complies with the standards set forth in 21 CFR 1040.20.

7. "Radiation" means ultraviolet radiation.

8. "Ultraviolet radiation" means electromagnetic radiation with a wavelength in air of two hundred to four hundred nanometers.

9. "UV-A" means ultraviolet radiation having a wavelength in air of three hundred twenty to four hundred nanometers.

10. "UV-B" means ultraviolet radiation having a wavelength in air of two hundred ninety to three hundred twenty nanometers.

History: Effective January 1, 2008; amended effective January 1, 2026.
General Authority: NDCC 23-39-07
Law Implemented: NDCC 23-39-07

SECTION 2. Section 33-42-01-10 is amended as follows:

33-42-01-10. Permits - Licenses.

A person may not operate a tanning facility without a license issued by the department. The department ~~will~~shall conduct a preoperational inspection prior to initial licensure or changes in ownership to insure operator compliance and understanding of all laws and regulations. License renewals must be submitted to the department during December every year. ~~An additional~~A tanning facility license expires on December thirty-first of each year. If the license renewal application and renewal fee are not received by December thirty-first, the license expires and the licensee may not operate. Within sixty days after December thirty-first, an expired license may be renewed by submitting the renewal application, renewal fee, and a late fee in the amount of fifty percent of the license fee ~~must be imposed upon renewal if the license was not renewed before February first following the expiration date. A reduced license fee in the amount of one-half of the applicable license fee must be charged for a new facility that begins operation after July first of each year~~. Licenses are not transferable. The annual license fee for a tanning facility containing one to five tanning beds is ~~seventy-five~~ninety dollars plus ten dollars per bed and one hundred ~~fifty~~eighty dollars for facilities with more than five beds. A plan review application fee for a licensee is fifty percent of the annual license fee when a plan review application is required. For a person's initial license application, an annual license fee and a license application administration fee of one hundred dollars is required in addition to fifty percent of the annual license fee when a plan review application is

required.

History: Effective January 1, 2008; amended effective January 1, 2014; January 1, 2026.
General Authority: NDCC 23-39-07
Law Implemented: NDCC 23-39-07