



**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

# The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Environmental Health

Radiation Control Program

Schrafft Center, Suite 1M2A

529 Main Street, Charlestown, MA 02129

Phone: 617-242-3035 Fax: 617-242-3457

[www.mass.gov/dph/rcp](http://www.mass.gov/dph/rcp)

**MARYLOU SUDDERS**  
Secretary

**MONICA BHAREL, MD, MPH**  
Commissioner

Tel: 617-624-6000

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Dear Tanning Facility Operator:

The Massachusetts Department of Public Health (DPH) recently amended the regulations related to tanning facilities - 105 CMR 123.000: Tanning Facilities. The main purpose of the amendments was to incorporate changes in state law that restrict people under the age of 18 from either using or operating a tanning device. DPH also updated the regulations to make them consistent with US Food and Drug Administration (FDA) requirements regarding tanning devices and to clarify existing requirements. The changes went into effect on February 24, 2017.

Youth are more susceptible to skin damage due to the stronger impact of ultraviolet (UV) radiation on DNA. Teenagers are also more likely to use tanning facilities on a frequent basis, increasing the risk of long-term negative health impacts. Scientific studies show a strong link between rising melanoma rates and use of tanning beds among youth. Massachusetts law (Chapter 31 of the Acts of 2016), which went into effect May 5, 2016, prohibits anyone under the age of 18 from using or operating a tanning device.

Aside from the age restriction, the most significant change requires tanning facility operators to provide a written warning to consumers on a notification form provided by DPH. Every prospective user must sign the form to acknowledge they understand the warning. The tanning operator and, where possible, a witness, must also sign. Both the user and tanning operator must sign this form every six months.

The notification form includes required user warning language. Additionally, the warning notification makes it clear that, for customers who cannot read, operators must read or otherwise communicate the warning statement in a language and form they understand. DPH has prepared a user notification form that will be available on the Radiation Control Program website (<http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/exposure-topics/radiation/tanning-facilities>) in the languages most frequently spoken in Massachusetts - English, Spanish, Arabic, Cape Verdean, Haitian Creole, Khmer, Brazilian Portuguese, Russian, Traditional Chinese, Vietnamese, Italian and Greek. You can print and use these forms to meet the requirements. If you need other languages, it is your responsibility to get the form translated.

Please review the regulations to familiarize yourself with the revisions. A copy of the new regulations can be found at <http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr123.pdf>

If you have any questions, please contact the DPH Radiation Control Program at 617-242-3035 or your local Board of Health office.