



Tanning Facilities

as of January 6, 2017

Statutes, Rules and Regulations

Agency Mission

The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.

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CURRENT BOARD FEES

Facility Licenses

New Tanning Facility License.....	\$100.00
Facility Renewal	75.00
Late Facility Renewal (\$75 + \$25 late fee)	175.00
Reinstatement Fee.....	200.00

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Laws Relating to Tanning Facilities

65-1920. Tanning facility licensing; definitions. (a) As used in this act:

(1) "Authorized agent" means an employee of the state board of cosmetology designated by the board to enforce this act.

(2) "Board" means the state board of cosmetology.

(3) "Phototherapy device" means equipment that emits ultraviolet radiation that is used in the treatment of disease or other medical use.

(4) "Tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air that is used for tanning of human skin and includes any accompanying items incidental to operation of the tanning device.

(5) "Tanning facility" means any facility, whether independent or part of a salon, health spa or any other facility, which provides access to tanning devices but shall not include private residences if access to tanning devices is provided without charge.

(b) This act does not apply to use of a phototherapy device by or under supervision of a person licensed to practice medicine and surgery. History: L. 1992, ch. 170, § 1; July 1.

65-1921. Same; warnings. A tanning facility shall give each customer a written statement warning that:

(a) Failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes;

(b) overexposure to ultraviolet radiation causes burns;

(c) repeated exposure to ultraviolet radiation may result in premature aging of the skin and skin cancer;

(d) abnormal skin sensitivity or burning may be caused by reactions of ultraviolet radiation to certain: Foods; cosmetics; or medications, including: Tranquilizers; diuretics; antibiotics; high blood pressure medicines; or birth control pills; and

(e) any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device. History: L. 1992, ch. 170, § 2; July 1.

65-1922. Same; warning signs; posting; dimensions. (a) A tanning facility shall post a warning sign in a conspicuous location where it is readily visible by persons entering the establishment. The sign shall have dimensions of no less than eight inches by 10 inches and shall contain the following wording:

CAUTION: ULTRAVIOLET RADIATION

Repeated exposure to ultraviolet radiation may cause skin damage characterized by wrinkling, dryness, fragility and skin cancer.

Failure to use protective eyewear may result in severe burns or permanent injury to the eyes.

Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a tanning device if you are using medications, have a history of skin problems or believe you are especially sensitive to sunlight. Pregnant women or women taking oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF AN ULTRAVIOLET DEVICE OR SUNLAMP

(b) A tanning facility shall post a warning sign, one for each tanning device, in a conspicuous location that is readily visible to a person about to use the device. The sign shall have dimensions of not less than eight inches by 10 inches and shall contain the following language:

CAUTION: ULTRAVIOLET RADIATION

1. Follow the manufacturer's instructions for use of this device.
2. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure can cause serious eye and skin injuries and allergic reactions. Repeated exposure may cause skin cancer.
3. Wear protective eyewear. Failure to use protective eyewear may result in severe burns or permanent damage to the eyes.
4. Do not sunbathe before or after exposure to ultraviolet radiation.
5. Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medication, have a history of skin problems or believe you are especially sensitive to sunlight. Pregnant women or women using oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF THIS DEVICE

History: L. 1992, ch. 170, § 3; July 1.

65-1923. Same; promotional material. A tanning facility shall not claim or distribute promotional materials that claim that using a tanning device is safe or free from risk. History: L. 1992, ch. 170, § 4; July 1.

65-1924. Same; presence of trained operator required; protective eyewear and physical aids; timer; maximum exposure time and interior temperature.

(a) A tanning facility shall have an operator present during operating hours. The operator must be trained in the correct operation of the tanning devices used at the facility that the operator may inform and assist each user in the proper use of the tanning devices.

(b) Before each use of a tanning device, the operator shall provide the customer with protective eyewear which meets the standards of title 21, part 1040.20 of the code of federal regulations. The operator may not allow a person to use a tanning device if that person does not use the protective eyewear. The operator shall also show each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer of the tanning device.

(c) The tanning facility shall use a timer with an accuracy of at least plus or minus 10% of any selected time interval. The facility shall limit the exposure time of a user on a tanning device to the maximum exposure time recommended by the manufacturer. The facility shall control the interior temperature of a tanning device so that it may not exceed 100 degrees Fahrenheit. History: L. 1992, ch. 170, § 5; July 1.

65-1925. Rules and regulations; inspections; violations; remedies. (a) The board may adopt rules and regulations to implement this act. The board, after consultation with the secretary of health and environment, shall adopt rules and regulations relating to the safe functioning of tanning devices. Pursuant to K.S.A. 65-1,148, and amendments thereto, the secretary of health and environment shall adopt sanitation standards for tanning facilities.

(b) An authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine compliance with this act.

(c) If an authorized agent finds that a person has violated, or is violating or threatening to violate this act and that the violation or threat of violation creates an immediate threat to the health and safety of the public, the authorized agent may petition the district court for a temporary restraining order to restrain the violation or threat of violation.

(d) If a person has violated or is violating or threatening to violate this act or rules and regulations adopted by the board or by the secretary of health and environment, as provided by this section, the board, after a hearing in accordance with the administrative procedure act, may suspend the license of a tanning facility until such time that the tanning facility can demonstrate to the board that it has corrected deficiencies and is in compliance with this act and rules and regulations adopted pursuant to this act.

(e) On application for injunctive relief and a finding that a person is violating or threatening to violate this act or rules and regulations adopted by the board or by the secretary of health and environment, as provided by this section, the district court shall grant any injunctive relief warranted by the facts. History: L. 1992, ch. 170, § 6; L. 2002, ch. 187, § 11; July 1.

65-1926. Licensure requirement; grounds for disciplinary action; fees. (a) A person shall not operate a tanning facility without a valid license issued by the board.

(b) The license shall be displayed in a conspicuous place in the tanning facility.

(c) On application, on forms provided by the board, and on receipt of the appropriate fee, a license shall be renewed by the board.

(d) The board may adopt a system under which licenses expire on various dates during the year. As part of this system the annual renewal fee may be prorated on a monthly basis to reflect the actual number of months the license is valid.

(e) The board may deny, refuse to renew, revoke, cancel, suspend or place on probation a license to operate a tanning facility for any of the following reasons:

(1) A failure to pay a license fee or an annual renewal fee for a license;

(2) the applicant obtained or attempted to obtain a license by fraud or deception;

(3) a violation of any of the provisions of this act; or

(4) a violation of any rules and regulations adopted by the board or by the secretary of health and environment, as provided by K.S.A. 65-1925, and amendments thereto.

(f) The board shall establish appropriate licensure and renewal fees, not to exceed \$100 per year for each tanning facility, by adoption of rules and regulations. The board may establish the fees based upon the number of beds used for tanning which the facility maintains. In addition to the fee for licensure and the fee for renewal of a license, the board may establish a fee not to exceed \$150 for delinquent renewal of a license and a fee not to exceed \$200 for reinstatement of a license.

(g) The executive director of the board shall remit all moneys received from fees under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the manner specified under K.S.A. 74-2704, and amendments thereto.

(h) In addition to the board's authority to refuse licensure or impose discipline pursuant to subsection (a), the board shall have the authority to assess a fine not in excess of \$1,000 against a licensee for each of the reasons specified in subsection (e). Such fine may be assessed in lieu of or in addition to such discipline. History: L. 1992, ch. 170, § 7; L. 2001, ch. 5, § 232; L. 2002, ch. 187, § 12; L. 2008, ch. 108, § 10; July 1.

65-1927. Penalties for violations. Any person who operates an unlicensed tanning facility in this state or violates this act or any rules and regulations adopted by the board or by the secretary of health and environment, as provided by K.S.A. 65-1925, and amendments thereto, shall be guilty of a class C misdemeanor. History: L. 1992, ch. 170, § 8; L. 2002, ch. 187, § 13; July 1.

65-1929. Tanning facility license required; remedies. (a) If the board determines that an individual or entity has operated a tanning facility without a valid license, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual or entity or may assess such individual or entity a fine of not to exceed \$1,500 or may issue such order and assess such fine. In determining the amount of fine to be assessed, the board may consider the following factors: (1) Willfulness of the violation, (2) repetitions of the violation, and (3) risk of harm to the public caused by the violation.

(b) The board may bring an action in its own name in a court of competent jurisdiction to enjoin any person from operating a tanning facility without a currently valid license. In any civil action brought under this section, it shall be presumed that irreparable damage will occur where the board alleges and proves a person committed a violation of such licensing laws. In addition to issuing an order for injunctive relief, the court may also assess a fine of not to exceed \$1,500 against such person. History: L. 2002, ch. 187, § 14; July 1.

65-1931. Minors prohibited from tanning; fines. (a) No tanning facility shall provide access to a tanning device for any person under 18 years of age.

(b) In addition to the board's authority to impose discipline pursuant to K.S.A. 65-1920, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$250 against a licensee for each violation. Such fine may be assessed in lieu of or in addition to such discipline.

(c) The board shall adopt rules and regulations as necessary to effectuate the provisions of this section. Such rules and regulations shall be adopted no later than January 1, 2017. History: L. 2016, ch. 91, § 1; July 1.

Laws Relating to the Kansas Board of Cosmetology

74-2701. Kansas state board of cosmetology; appointment; qualifications; terms; chairperson; executive director, treasurer; vacancies; oath. (a) There is hereby created the Kansas state board of cosmetology, the members of which shall be appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Not more than four members shall be of the same political party. Three members shall be licensed under the provisions of K.S.A. 65-1901 through 65-1912, and amendments thereto, at least two of whom shall be licensed cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; one member shall be an owner and licensed operator of a tanning facility; one member shall be a person who holds a valid school license issued by the board or a person who is engaged in the day-to-day operation of a school licensed by the board; and two members shall represent the general public interest. If none of the licensed cosmetologist members of the board is an African-American, at least one member representing the general public interest shall be an African-American. No manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties. History: L. 1927, ch. 245, § 4; L. 1961, ch. 385, § 1; L. 1963, ch. 316, § 4; L. 1967, ch. 434, § 34; L. 1969, ch. 370, § 1; L. 1978, ch. 308, § 60; L. 1981, ch. 249, § 4; L. 1992, ch. 262, § 10; L. 1996, ch. 138, § 16; L. 1998, ch. 160, § 13; L. 2002, ch. 187, § 16; July 1.

74-2702. Meetings of board; records and register; seal; oaths; employees; inspectors, duties; salary of executive director; compensation and expenses of members. (a) The Kansas state board of cosmetology shall meet immediately after appointment and determine policies of the board and conduct any business that may be before such board, and said officers thereafter shall meet as required by law, at times designated by the board and shall also meet on the call of the chairman. The executive director shall not be entitled to vote at such meetings. Said board shall keep a record of its proceedings and a register of the names of applicants for licenses, showing whether the licenses were granted or refused. Said board shall have a seal, and each of said members of said board shall have the authority and be empowered, for all purposes and duties of said board in connection therewith, to administer oaths. The chairman with the approval of the board shall have the power to appoint inspectors who shall perform all of the inspection duties of the board and may employ such additional help as may in his or her judgment be necessary to properly carry out the provisions of this act.

(b) All employees appointed as herein authorized, except the executive director, shall be within the classified service of the Kansas civil service act. The executive director shall be within the unclassified service of the Kansas civil service act and shall receive an annual salary to be fixed by the board, with the approval of the state finance council. Members of the state board of cosmetology attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223. History: L. 1927, ch. 245, § 5; L. 1933, ch. 279, § 1; L. 1943, ch. 269, §16; L. 1945, ch. 253, § 3; L. 1951, ch. 361, § 4; L. 1961, ch. 385, § 2; L. 1965, ch. 458, § 12; L. 1967, ch. 443, § 11; L. 1969, ch. 370, § 2; L. 1974, ch. 348, § 57; L. 1975, ch. 322, § 10; July 1.

74-2702a. Rules and regulations of board. The Kansas state board of cosmetology may adopt rules and regulations as may be necessary for the administration of matters within the jurisdiction of the board. History: L. 1969, ch. 370, § 3; L. 1995, ch. 119, § 3; July 1.

74-2703. Meetings of board; examination of applicants. It shall be the duty of such board to meet at least twice each year, and at such times and places as it may deem advisable, and shall at such times hold examinations of such applicants as shall have applied for licensure. History: L. 1927, ch. 245, § 6; L. 1933, ch. 279, § 2; L. 1943, ch. 222, § 9; L. 1998, ch. 160, § 14; May 21.

74-2704. Fees and moneys, disposition; cosmetology fee fund. All fees and payments required to be paid by applicants for examinations or licenses, shall be paid to the executive director of the Kansas state board of cosmetology or the board's designee. The executive director, or the board's designee, shall remit all moneys received from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the board. History: L. 1927, ch. 245, § 13; L. 1929, ch. 217, § 2; L. 1956, ch. 52, § 22; L. 1957, ch. 431, § 18; L. 1961, ch. 385, § 3; L. 1963, ch. 398, § 25; L. 1973, ch. 309, § 30; L. 1975, ch. 322, § 11; L. 1998, ch. 160, § 15; L. 2001, ch. 5, § 312; L. 2011, ch. 53, § 47; July 1

74-2705. Fiscal year of cosmetology board. On July 1, 1929, the fiscal year of business of the board of registration for cosmetologists shall, to conform with the fiscal business year of the state, begin with July 1 and end with June 30 of each year thereafter. History: L. 1929, ch. 217, § 1; March 20.

Rules and Regulations - Infection Control

28-24a-1 Definitions.

- (a) "Consumer" has the meaning specified in K.A.R. 69-12-1.
- (b) "EPA" means the United States environmental protection agency.
- (c) "FDA" means the United States food and drug administration.
- (d) "Person" means an individual, association, corporation, or other legal entity.
- (e) "Protective eyewear" means any device designed to be worn by users to reduce exposure of the eyes to the radiation emitted by the tanning device.
- (f) "Tanning device operator" means an individual who controls operation of a tanning device and instructs and assists the consumer in the proper operation of the tanning device.
- (g) "Tanning facility operator" means the person who is licensed to operate a tanning facility. Authorized by and implementing K.S.A. 65-1,148 and 65-1925; effective Oct. 5, 2007.

28-24a-2 Facility standards and practices. (a) After each use of a tanning device, a tanning device operator shall disinfect the tanning device using an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, tuberculocidal, and virucidal activity when used according to the manufacturer's instructions.

(b) Each tanning device operator shall ensure that each towel distributed to a consumer or any other individual is, upon its return, deposited in a closed receptacle and not used again until laundered and sanitized.

(c) Each tanning facility operator shall ensure that the tanning facility is well lighted, well ventilated, and sanitary. Authorized by and implementing K.S.A. 65-1,148 and 65-1925; effective Oct. 5, 2007.

28-24a-3 Protective eyewear. Each tanning device operator shall disinfect the protective eyewear before each use. If single-use protective eyewear is used, the eyewear shall be disposed of in a covered waste receptacle immediately after use. Authorized by and implementing K.S.A. 65-1,148 and 65-1925; effective Oct. 5, 2007.

Rules and Regulations – Tanning Facilities

69-12-1 Definitions.

- (a) "FDA" means the United States food and drug administration.
- (b) "Consumer" means any member of the public who is provided access to a tanning facility 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 facility as a condition or benefit of membership or access.
- (c) "Tanning device operator" means an individual who controls operation of the tanning device and instructs and assists the consumer in the proper operation of the tanning device.
- (d) "Tanning facility operator" means the person who is licensed to operate a tanning facility.
- (e) "Person" means an individual, association, corporation or other legal entity. (Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.)

69-12-2 Licenses. (a) Prior to operating a tanning facility, a person shall make application, on forms provided by the board, to the Kansas state board of cosmetology for a tanning facility license. The application shall be accompanied by the applicable tanning facility license fee.

(b) Prior to the issuance of a tanning facility license, the tanning facility and tanning devices shall be inspected by an authorized agent of the board for compliance with article 12 and K.S.A. 65-1920 et seq., and amendments thereto. Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1926; effective Dec. 13, 1993.

69-12-3 Expiration of licenses; renewals; reinstatements. (a) Each tanning facility license shall expire one year from the last day of the month of its issuance unless renewed by payment of the annual renewal fee.

(1) Each application for renewal of a tanning facility license shall be postmarked on or before the expiration date of the current license.

(2) Each application for renewal of a tanning facility license shall be submitted on forms approved by the board and shall be accompanied by the applicable fee.

(b) A tanning facility operator may renew the tanning facility license within 60 days after the expiration date of the prior license upon payment of the delinquent renewal fee.

(c) A tanning facility operator may reinstate a tanning facility license within one year of the expiration date of the prior license upon payment of the reinstatement fee. Authorized by K.S.A. 65-1925; implementing K.S.A. 2011 Supp. 65-1926; effective Dec. 13, 1993; amended Nov. 9, 2012.

69-12-4 Licenses on closed facilities returned to board. When a tanning facility is permanently closed, the tanning facility operator shall immediately mail the tanning facility license to the Kansas state board of cosmetology. Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1926; effective Dec. 13, 1993.

69-12-5 Fees. The following fees shall be charged:

New tanning facility license fee	\$100.00
Tanning facility license renewal fee	\$75.00
Delinquent renewal fee	\$100.00
Reinstatement fee	\$200.00

Authorized by K.S.A. 2012 Supp. 65-1926 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1926; effective Dec. 13, 1993; amended Feb. 14, 2014.

69-12-7 Tanning device operators. (a) A tanning device operator shall be present when a tanning device is operated.

(b) A tanning facility operator shall maintain verification of training for each tanning device operator. Training shall include knowledge in the following areas:

- (1) the requirements of these regulations;
- (2) procedures for correct operation of the facility;
- (3) recognition of injury or overexposure;

(4) manufacturer's procedures for operation and maintenance of tanning equipment; and

- (5) emergency procedures in case of injury.

(c) A tanning facility operator shall maintain a list of tanning device operators, trained in accordance with this section, which shall be available at the tanning facility. Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.

69-12-8 Warnings. (a) The tanning facility operator shall post warning signs as specified in subsections (a) and (b) of K.S.A. 65-1922.

(b) The tanning facility operator shall have available for inspection, written warning statements that are in compliance with K.S.A. 65-1921. The tanning device operator shall read the required information to any illiterate or visually handicapped consumer, in the presence of a witness. Authorized by K.S.A. 65-1925; implementing K.S.A. 65-1921 and K.S.A. 65-1922; effective Dec. 13, 1993.

69-12-9 Report of injuries. (a) The tanning facility operator shall forward to the board of cosmetology, a written report of any injury, within five working days of its occurrence or knowledge thereof. The report shall include:

- (1) the name of the affected individual;
- (2) the name and location of the tanning facility involved;
- (3) the nature of the injury; and

(4) any other information considered relevant to the situation. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-10 Exposure schedule. (a) The recommended exposure schedule for each tanning device shall be displayed in a conspicuous place near the device.

(b) The tanning device operator shall ensure that consumers do not exceed the tan time indicated by the manufacturer. Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.

69-12-11 Timer. Each tanning device shall have a timer which complies with the requirements of 21 CFR Part 1040, Section 1040.20 (c)(2) as in effect on September 6, 1985. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall

have an error greater than $\pm 10\%$ of the maximum timer interval for the product. Authorized by K.S.A. 65-1925 and implementing K.S.A. 65-1924; effective Dec. 13, 1993.

69-12-12 Control device. Each tanning device shall have a control that allows the consumer to turn off the device at any time. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-14 Protective barriers. There shall be physical barriers to protect consumers from injury induced by touching or breaking the lamps. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-15 Stand-up booths. (a) For stand-up booths, there shall be physical barriers or other means such as handrails or floor markings to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.

(b) The construction of each booth shall be such that it will withstand the stress of use and the impact of a falling person.

(c) The entrance to each booth shall be of rigid construction. Doors shall open outwardly. Handrails and non-slip floors shall be provided. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-16 Lamps. (a) Each tanning facility shall use only tanning devices manufactured in accordance with the specifications set forth in 21 CFR Part 1040, Section 1040.20, as in effect on September 6, 1985, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products."

(b) Each sunlamp product or ultraviolet lamp used in these facilities shall not emit any measurable Ultraviolet C radiation.

(c) Each ultraviolet lamp contained within the sunlamp product shall be shielded to avoid contact with the consumer.

(d) Services and repair shall be carried out by a competent person in accordance with the information supplied with the device.

(e) Defective or burned out tanning lamps or bulbs shall be replaced with a type intended for use in that device and shall be of the same ultraviolet range, A or B, as the manufacturer specifies, and shall be the original lamp type as specified by the manufacturer, or an equivalent lamp approved by the FDA. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-17 Enforcement. (a) A tanning facility operator shall be responsible for implementing and maintaining the tanning facility and tanning device in compliance with all applicable regulations and statutes both individually and jointly with all tanning device operators employed by or working in the tanning facility.

(b) Refusal to permit, or interference with, an inspection by an authorized representative of the board of cosmetology during any time the facility is operating shall constitute cause for the board to revoke, cancel, suspend, or place the license on probation. Authorized by and implementing K.S.A. 65-1925; effective Dec. 13, 1993.

69-12-18. Access to tanning devices. Each tanning facility operator shall verify that each consumer accessing any tanning device in the tanning facility is at least 18 years of age. Verification shall be obtained by viewing a current state or U.S. government-issued photo identification that includes the consumer's date of birth. Authorized by and implementing K.S.A. 2016 Supp. 65-1931; effective January 6, 2017.

