

REQUEST FOR TECHNICAL CHANGE

AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15 .1418

DEADLINE FOR RECEIPT: Tuesday, September 8, 2020

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (c), will this method be known to your regulated public? Is it what is addressed in the training required in (k)(5)?

On line 11, is the "client tan record" what is required by Paragraph (b)?

In (j), where is this documented? Will it be a new record? And it won't be subject to inspection like the training, as set forth in Paragraphs (m) and (o)?

In (n), page 2, line 7, consider replacing "their" with "his or her" assuming registrants are people and not corporations.

In (o)(2), is this to address the changes in federal law?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 24, 2020

1 10A NCAC 15 .1418 is readopted as published in 34:22 NCR 2102-2104 as follows:

2
3 **10A NCAC 15 .1418 RECORDS: REPORTS AND OPERATING REQUIREMENTS**

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

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

10 (c) The registrant shall determine each consumer's skin type using a method that distinguishes between six skin types
11 and record the skin type on the client tan record.

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

14 The report shall include:

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

20 ~~(e)~~ (e) The registrant shall not allow individuals under the age of 18 to use tanning equipment.

21 ~~(f)~~ (f) The registrant shall verify by checking legal identification that includes a driver's license, a passport, or military
22 identification, each consumer is 18 years of age or older.

23 ~~(g)~~ (g) The registrant shall not allow minors to remain in the tanning room while the tanning equipment is in operation.

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

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

29 (j) The registrant shall document the number of hours that ultraviolet lamps and bulbs are used.

30 ~~(k)~~ (k) 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 determination of duration of exposure to registered
37 tanning equipment; and

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

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

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

7 ~~(l)~~ (n) 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.

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

11 (1) the facility's certificate of 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); 104E-9; 104E-9.1; 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;*

18 *Amended Eff. May 1, ~~2016~~; 2016;*

19 *Readopted Eff. October 1, 2020.*