

109TH CONGRESS  
2D SESSION

# H. R. 4767

To require the Food and Drug Administration to conduct consumer testing to determine the appropriateness of the current labeling requirements for indoor tanning devices and determine whether such requirements provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the skin, including skin cancer, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2006

Mrs. MALONEY (for herself and Ms. GINNY BROWN-WAITE of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require the Food and Drug Administration to conduct consumer testing to determine the appropriateness of the current labeling requirements for indoor tanning devices and determine whether such requirements provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the skin, including skin cancer, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Tanning Account-  
3 ability and Notification Act of 2006”.

4 **SEC. 2. FINDINGS.**

5       The Congress finds as follows:

6           (1) The Food and Drug Administration  
7 (“FDA”) and numerous leading United States  
8 health care organizations estimate that approxi-  
9 mately one million Americans each year will be  
10 stricken with skin cancer, a potentially deadly dis-  
11 ease, and the most common of all types of cancers.

12           (2) The number of cases of melanoma, the most  
13 deadly of all skin cancers, is rising in the United  
14 States. The American Cancer Society estimates  
15 111,900 Americans will be diagnosed with melanoma  
16 in 2006. Nationally, one person dies of melanoma al-  
17 most every hour.

18           (3) Numerous studies have established that  
19 skin cancer is closely associated with excessive ultra-  
20 violet light exposure.

21           (4) In December 2002, the National Institute  
22 of Environmental Health Sciences issued a report  
23 that identified broad spectrum ultraviolet radiation  
24 produced by artificial light sources as a known car-  
25 cinogen and added such radiation to its listing of  
26 228 substances linked to cancer.

1           (5) The FDA, joined by the National Institutes  
2           of Health, the Centers for Disease Control and Pre-  
3           vention, the World Health Organization, and the  
4           American Academy of Dermatology, discourages the  
5           use of tanning beds and sun lamps, and has con-  
6           cluded that indoor tanning can be as harmful as out-  
7           door tanning, and that perhaps more than one mil-  
8           lion people in the United States alone visit tanning  
9           salons each day on the average.

10          (6) The FDA and numerous leading United  
11          States and international health care organizations  
12          have expressed concerns that the consuming public  
13          generally, and teenage population particularly, is not  
14          aware that indoor tanning devices emit ultraviolet  
15          radiation that is similar to and sometimes more  
16          powerful than the UV radiation emitted by the sun.

17          (7) The FDA has concluded that there are no  
18          “safe rays” insofar as both types of ultraviolet light  
19          cause skin cancer, damage to the eyes and the im-  
20          mune system, as well as wrinkling and other signs  
21          of premature skin aging. Tanning devices in salons,  
22          tanning parlors, spas, and similar settings are in no  
23          way less harmful alternatives to the sun’s rays.

24          (8) Exposure to ultraviolet radiation, especially  
25          from indoor tanning equipment, is not necessary to

1 maintain adequate levels of vitamin D in the body.  
2 A comprehensive review of the scientific literature  
3 published in the February 2006 issue of the Journal  
4 of the American Academy of Dermatology confirms  
5 that exposing oneself to harmful doses of ultraviolet  
6 radiation is an unsafe practice that is not essential  
7 to maintaining an adequate supply of vitamin D for  
8 good bone and muscle health.

9 (9) According to the American Academy of Der-  
10 matology, manufacturers of tanning devices should  
11 be required to fix upon the devices a warning label  
12 reading, “Ultraviolet radiation can cause skin cancer  
13 and nonreversible forms of damage to the skin”.

14 **SEC. 3. REPORT BY FOOD AND DRUG ADMINISTRATION RE-**  
15 **GARDING LABELING INFORMATION ON RELA-**  
16 **TIONSHIP BETWEEN USE OF INDOOR TAN-**  
17 **NING DEVICES AND DEVELOPMENT OF SKIN**  
18 **CANCER OR OTHER SKIN DAMAGE.**

19 (a) IN GENERAL.—The Secretary of Health and  
20 Human Services (referred to in this section as the “Sec-  
21 retary”), acting through the Commissioner of Food and  
22 Drugs, shall determine—

23 (1) whether the labeling requirements for in-  
24 door tanning devices, including the positioning re-  
25 quirements, provide sufficient information to con-

1       sumers regarding the risks that the use of such de-  
2       vices pose for the development of irreversible damage  
3       to the eyes and skin, including skin cancer; and

4               (2)(A) whether adding the warning suggested  
5       by the American Academy of Dermatology to the  
6       current warning label, or any other additional warn-  
7       ing, would communicate the risks of indoor tanning  
8       more effectively; or

9               (B) whether there is no warning that would be  
10      capable of adequately communicating such risks.

11      (b) CONSUMER TESTING.—In making the determina-  
12     tions under subsection (a), the Secretary shall conduct ap-  
13     propriate consumer testing, using the best available meth-  
14     ods for determining consumer understanding of label  
15     warnings.

16      (c) PUBLIC HEARINGS; PUBLIC COMMENT.—The  
17     Secretary shall hold public hearings and solicit comments  
18     from the public in making the determinations under sub-  
19     section (a).

20      (d) REPORT.—Not later than one year after the date  
21     of the enactment of this Act, the Secretary shall submit  
22     to the Congress a report that provides the determinations  
23     under subsection (a). In addition, the Secretary shall in-  
24     clude in the report the measures being implemented by

- 1 the Secretary to significantly reduce the risks associated
- 2 with indoor tanning devices.

○