



News Release

PO Box 360, Trenton, N.J. 08625-0360

Heather Howard,
Commissioner

For Release:
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For Further Information, Contact
(609) 984-7160

DHSS Proposes New Rules at N.J.A.C. 8:28, Governing Tanning Facilities

The Consumer and Environmental Health Services of the Division of Epidemiology, Environmental and Occupational Health of the Public Health Services Branch of the Department of Health and Senior Services (Department) is proposing new rules at N.J.A.C. 8:28, governing Tanning Facilities. The notice of proposal appears in the March 3, 2008 issue of the New Jersey Register.

The proposed new rules would implement the Tanning Facilities Act (Act), P.L. 1989, c. 234, amended and supplemented by P.L. 2006, c. 48, and codified at N.J.S.A. 26:2D-81 et seq. The Act directs the Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, to promulgate rules necessary to carry out the purposes of this Act. The proposed new rules would fulfill this statutory requirement.

N.J.A.C. 8:28 would establish safety, sanitation, and recordkeeping requirements for the operation of indoor tanning facilities that use ultraviolet sunlamp products. N.J.A.C. 8:28 would incorporate by reference, as amended and supplemented, the federal performance standard at 21 CFR §1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products." N.J.A.C. 8:28 would set forth standards for registration, associated fees, and inspection and establish enforcement authority in local and State health officials. N.J.A.C. 8:28 would establish required warning signs and training of tanning facility operators. N.J.A.C. 8:28 would articulate the prohibition against the use of sunlamp products in tanning facilities by minors less than 14 years of age and the requirements for permitting minors at least 14 but less than 18 years of age to use sunlamp products. The proposed new rules at N.J.A.C. 8:28 are a preventive measure to protect the public's health and safety in the use of indoor tanning facilities.

The public has until May 2, 2008 to comment on the notice of proposal. Persons wishing to comment on the proposal must submit their comments in writing to Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, Department of Health and Senior Services, PO Box 360, Trenton, NJ 08625-0360. Written comments on the proposal must be postmarked on or before May 2, 2008, which is the close of the 60-day public comment period.

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