

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF PUBLIC HEALTH**  
**4400 Health Systems Protection**

**4454 Tanning Facilities Regulations**

**1.0 Definitions**

The following words and terms, when used in this regulation, shall have the meaning set forth in 16 Del.C. §3002D: "Customer", "Department", "Minor", "Person", "Tanning device", "Tanning facility", "Phototherapy device".

**18 DE Reg. 392 (11/01/14)**

**2.0 Minors Prohibited**

A tanning facility shall not permit a minor to use a tanning device.

**18 DE Reg. 392 (11/01/14)**

**3.0 Requirements of Warning Signs and Statements**

3.1 Each tanning facility shall post at least 1 warning sign in a place readily visible to persons entering the facility. Lettering must be clear, legible, and at least ¼ inch in height, unless otherwise provided herein. The sign shall have dimensions not less than 11 inches by 17 inches and shall have the following statements:

3.1.1 "DANGER - ULTRAVIOLET RADIATION", in capital letters at least ½ inch in height;

3.1.2 "Follow the manufacturer's instructions for this device.";

3.1.3 "Avoid overexposure. As with sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure to ultraviolet radiation may cause chronic sun damage characterized by wrinkling, dryness, fragility, bruising of the skin, and skin cancer.";

3.1.4 "Avoid sunbathing before or after exposure to ultraviolet radiation from sunlamps.";

3.1.5 "Wear protective eyewear. Failure to do so may result in severe burns or permanent injury to the eyes.";  
and

3.1.6 "Medications or cosmetics may increase sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight."

**18 DE Reg. 392 (11/01/14)**

**4.0 Requirements of Written Statement**

4.1 Each customer shall be provided with a written warning statement prior to each use of the tanning equipment or device. The warning statement shall include the following statements:

4.1.1 "Failure to use eye protection may result in injury to the eyes.";

4.1.2 "Overexposure to ultraviolet light may cause burns.";

4.1.3 "Repeated exposure to ultraviolet light may result in skin cancer and premature aging of the skin.";

4.1.4 "Abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain foods, cosmetics, or medications, including tranquilizers, diuretics, antibiotics, high blood pressure medications, and birth control pills.";

4.1.5 "Anyone taking a prescription or over-the-counter drug should consult a physician before using any tanning equipment or device."

**18 DE Reg. 392 (11/01/14)**

**5.0 Compliance and Enforcement Procedures**

**5.1 Administrative Penalties**

Whoever violates a provision of these regulations shall be subject to an administrative penalty of \$250.00 for the first violation, \$500 for the second violation and \$1,000 for the third and all subsequent violations.

**5.2 Right to Administrative Hearing**

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**TITLE 16 HEALTH AND SAFETY**  
**DELAWARE ADMINISTRATIVE CODE**

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Upon due notice that the Department intends to assess a tanning facility an administrative penalty, as indicated in section 5.1, the facility may submit to the Department, within thirty (30) days of the date of the notice of intent, a written request for an administrative hearing.

5.3 Orders of the Department

Whoever refuses, fails or neglects to comply with an order of the Department, shall be fined not less than \$100.00 and not more than \$1,000.00, together with costs, unless otherwise provided by law.

**18 DE Reg. 392 (11/01/14)**

**6.0 Severability**

In the event a particular clause or section of these regulations should be declared invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of these regulations shall remain in full force and effect.

**13 DE Reg. 1330 (04/01/10)**

**18 DE Reg. 392 (11/01/14)**