Testimony

House Bill 4146
House Committee on Commerce
Michigan State Legislature
December 11th, 2007

Robert T. Bohannon, Assistant Director, State Affairs
American Academy of Dermatology Association

Mr. Chairman, members of the Commerce Committee, my name is Robb Bohannon, and I am the Assistant Director of State Affairs for the American Academy of Dermatology in Washington, DC. I have been with the Academy for nearly four years, and during this time I have had the privilege of working with our members across the country on state legislative issues that affect patient care and the practice of dermatology. I appreciate the opportunity to speak here today about the important public health and public policy issues regarding House Bill 4146, which would provide for regulation of indoor tanning facilities in Michigan.

As medically trained experts in diseases and disorders of the skin, hair, nails, dermatologists see the adverse effects of cosmetic tanning on a daily basis. The dermatologists that are present today will speak about these concerns specifically. My intention is to speak to you about how we have seen other states address this issue, and why we believe it is important to protect the health and well-being of children in Michigan.

Many tanning advocates will claim that the American Academy of Dermatology is working to outlaw tanning and put tanning salons out of business. However, we must be clear that this is not the case. House Bill 4146 does not restrict anyone from using an indoor tanning facility. By requiring parental consent for children under the age of 18, we believe it is important for parents to be appropriately involved in their child's decision to tan, and that they are aware of the potential health hazards that exist. House Bill 4146 simply would require indoor tanning facilities to be honest and straightforward with consumers about the known risks of exposure to ultraviolet (UV) radiation.

Exposure to ultraviolet radiation is known to be the largest single environmental factor in the development of skin cancer. This bears particular relevance to indoor tanning devices because UV radiation rates in indoor tanning devices can be up to fifteen times greater than what one would experience through moderate sun exposure. Some tanning advocates will claim that dermatologists are attempting to scare people out of the sun, and that we cannot regulate the sun or beaches, so we should not regulate tanning devices. We know that some exposure to UV radiation is a natural by-product of any healthy lifestyle. That is why we encourage people to use sunscreens when participating in outdoor activities and to be smart about limiting their sun exposure times. What we do not recommend in the intentional cosmetic tanning of the skin using devices that emit high levels of UV radiation. Users of indoor tanning devices often use

tanning lotions during their sessions to amplify the effects of tanning, whereas sunscreens are used to block the penetration of harmful UV rays.

Many states have taken action to protect children from this known human carcinogen, as defined by the U.S. Department of Health and Human Services. In 2007 alone, Utah, North Dakota, Virginia, and California passed legislation restricting youth access to indoor tanning facilities. Bills filed in 2007 are also still under consideration in Massachusetts, Ohio, and Pennsylvania. Next year, similar legislation to House 4146 will likely be introduced in Maryland, Missouri, South Dakota, and West Virginia.

Tanning advocates will often claim that the industry is overregulated and that additional state regulation such as House Bill 4146 is unnecessary. It is important to understand how different regulations work, because indoor tanning facilities themselves are really not regulated at all by current federal laws. The Federal Trade Commission (FTC) is responsible for investigating false and misleading claims related to advertising. This would include statements such as "tan indoors with absolutely no harmful side effects" or "unlike the sun, indoor tanning will not cause skin cancer or skin aging." I have attached the FTC's "Facts for Consumers" document with this testimony.

The U.S. Food and Drug Administration (FDA) regulates tanning device manufacturers. They determine how devices have to be constructed, and what type of labeling is appropriate to warn consumers about potential health risks. Tanning salons themselves are not regulated by the FTC or the FDA. There would be no other way to regulate *who* can use a tanning salon other than through a state or local ordinance. This is somewhat similar to how alcohol is regulated. Brewers, vineyards, and distillers are required to label products a certain way that makes the consumer aware of the potential health risks of consuming alcohol, but it is up to the retailers and restaurants to enforce the actual legal drinking age. The two are mutually exclusive, much like a tanning device manfacturer and a tanning facility. The various actors within the industry are subject to different regulations based on their specific roles.

While several of the dermatologists here today have spoke to you about the known skin cancer risks associated with indoor tanning, and the stagerring incidence rates that continue to rise, consider along with this the cost associated with treating skin cancer. Data from 2004 shows that the total direct costs associated with treating just non-melanoma skin cancer was $1.5 billion, and of that $1.2 billion was attributed to care received in physician's offices. This is a public health epidemic that we have the ability to reduce, both in incidence and cost. In a way, we are fortunate that we know one of the underlying causes of skin cancer, and that we can take specific steps to help reduce its incidence.

House Bill 4146 would better educate all consumers who choose to use indoor tanning facilities, and would better protect children by requiring parents to be educated about the potential health hazards associated with indoor tanning. Much like a physician informs a patient about potential side effects and possible adverse outcomes before a medical procedure is performed, we feel it is only appropriate that consumers be

adequately informed so that they can make informed decisions about whether or not to tan.

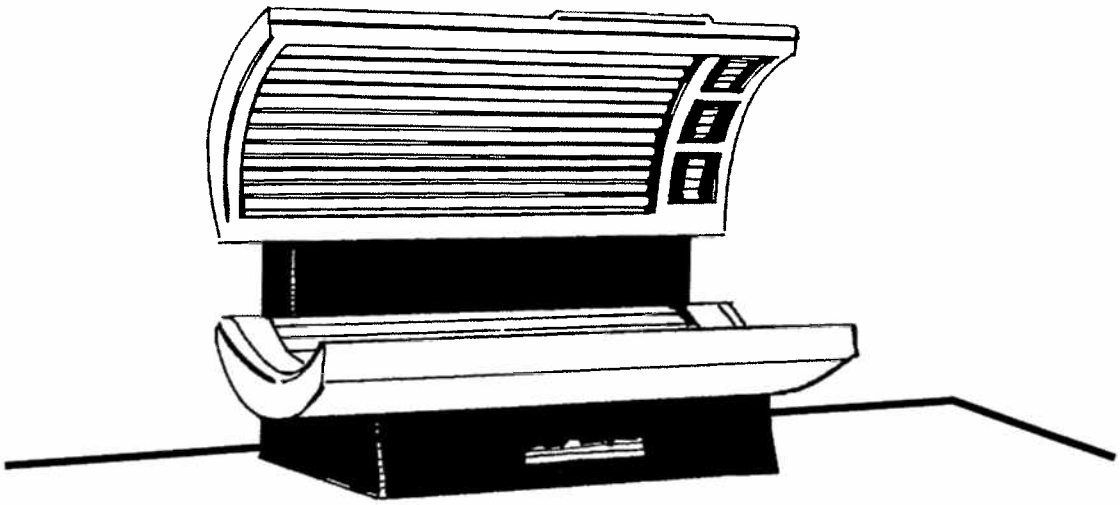
Thank you for your time and consideration. I'll be happy to answer any questions you may have.

HEALTH

FEDERAL TRADE COMMISSION | 1-877-FTC-HELP | FOR THE CONSUMER | WWW.FTC.GOV

FTC FACTS for Consumers

Indoor Tanning



"Tan indoors with absolutely no harmful side effects"

"No burning, no drying, and no sun damage"

"Unlike the sun, indoor tanning will not cause skin cancer or skin aging"

Beware of claims like these. Ads that claim indoor tanning devices are a safe alternative to outdoor tanning may be false.

Tanning indoors damages your skin. That's because indoor tanning devices emit ultraviolet rays. Tanning occurs when the skin produces additional pigment (coloring) to protect itself against burn from ultraviolet rays. Overexposure to these rays can cause eye injury, premature wrinkling of the skin, and light-induced skin rashes, and can increase your chances of developing skin cancer.

Tanning Devices

The most popular device used in tanning salons is a clamshell-like tanning bed. The customer lies down on a Plexiglas surface as lights from above and below reach the body.

Many older tanning devices used light sources that emitted shortwave ultraviolet rays (UVB) that actually caused burning. Aware of the harmful effects of UVB radiation, salon owners began using tanning beds that emit mostly longwave (UVA) light sources. Some salons claim this is safe. While UVA rays are less likely to cause burning than UVB rays, they are suspected to have links to malignant melanoma and immune system damage.

Advertising Claims

Here are some claims commonly made about indoor tanning — and the facts.

"You can achieve a deep year-round tan with gentle, comfortable, and safe UVA light."

Ultraviolet light is divided into two wavelength bands. Shortwave ultraviolet rays called UVB can burn the outer layer of skin. Longwave ultraviolet rays called UVA penetrate more deeply and can weaken the skin's inner connective tissue.

Long-term exposure to the sun and to artificial sources of ultraviolet light contributes to the risk of developing skin cancer. Two types of skin cancer, basal cell and squamous cell, are treatable if detected early. Melanoma, another type of skin cancer, can be fatal.

"No harsh glare, so no goggles or eye shades are necessary."

Studies show that too much exposure to ultraviolet rays, including UVA rays, can damage the retina. Overexposure can burn the cornea, and repeated exposure over many years can change the structure of the lens so that it begins to cloud, forming a cataract. Left untreated, cataracts can cause blindness.

The Food and Drug Administration requires tanning salons to direct all customers to wear protective eye goggles. Closing your eyes, wearing ordinary sunglasses, and using cotton wads do not protect the cornea from the intensity of UV radiation in tanning devices.

Long-term exposure to natural sunlight also can result in eye damage, but in the sun, people generally are more aware that their eyelids are burning. Under indoor UV lights, exposed skin remains cool to the touch. In addition, the intensity of lights used in tanning devices is much greater — and potentially more damaging to the eyes — than the intensity of UV rays in natural sunlight.

"Tan year round without the harmful side effects often associated with natural sunlight."

Exposure to tanning salon rays increases the damage caused by sunlight. This occurs because ultraviolet light actually thins the skin, making it less able to heal.

Unprotected exposure to utltraviolet rays also results in premature skin aging. A tan is damaged skin that is more likely to wrinkle and sag than skin that hasn't been tanned. Over time, you may notice certain undesirable changes in the way your skin looks and heals. According to some skin specialists, skin that has a dry, wrinkled, leathery appearance early in middle age is a result of UV exposure that occurred in youth.

"No danger in exposure or burning."

Whether you tan indoors or out, studies show the combination of ultraviolet rays and some medicines, birth control pills, cosmetics, and soaps may accelerate skin burns or produce painful adverse skin reactions, such as rashes. In addition, tanning devices may induce common light-sensitive skin ailments like cold sores.

Protecting Yourself

1. **Limit your exposure to avoid sunburn.** If you tan with a device, ask whether the manufacturer or the salon staff recommend exposure limits for your skin type. Set a timer on the tanning device that automatically shuts off the lights or somehow signals that you've reached your exposure time. Remember that exposure time affects burning and that your age at the time of exposure is important relative to burning. Studies suggest that children and adolescents are harmed more by equivalent amounts of UVB rays than adults. The earlier you start tanning, the earlier skin injury may occur.

2. **Use goggles to protect your eyes.** Ask whether safety goggles are provided and if their use is mandatory. Make sure the goggles fit snugly. Check to see that the salon sterilizes the goggles after each use to prevent the spread of eye infections.

3. **Consider your medical history.** If you are undergoing treatment for lupus or diabetes or are susceptible to cold sores, be aware that these conditions can be aggravated through exposure to ultraviolet radiation from tanning devices, sunlamps, or natural sunlight. In addition, your skin may be more sensitive to artificial light or sunlight if you use certain medications — for example, antihistamines, tranquilizers or birth control pills. Your tanning salon may keep a file with information on your medical history, medications, and treatments. Make sure you update it as necessary.

A Word About Sunscreens

Chances are you spend some time in natural sunlight. You still could benefit from using sunscreens with sun protection factor (SPF) numbers of 15 or more. The SPF number gives you some idea of how long you can stay in the sun without burning. For example, if you normally burn in 10 minutes without sunscreen, you should be protected from burn for 150 minutes using SPF 15. Swimming and perspiration reduce the actual SPF value for many sunscreens, so be sure to reapply even if the product is water-resistant.

While all sunscreens provide some level of protection against UVB rays, no product screens out all UVA rays. Some may advertise UVA protection, but there's no system yet for rating UVA protection. Even when you use a sunscreen with a high SPF number, there's no way to know how much UVA protection you're getting.

Regulation

The Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) share responsibilities in the regulation of sunlamps and tanning devices. The FDA enforces regulations that deal with labels on the devices; the FTC investigates false, misleading, and deceptive advertising claims about the devices. When these agencies determine that device labels don't comply with the regulations or that advertisements are not truthful, they may take corrective action. The FDA also can remove products from the marketplace.

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit **www.ftc.gov** or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

FEDERAL TRADE COMMISSION	1-877-FTC-HELP
WWW.FTC.GOV	FOR THE CONSUMER

Federal Trade Commission
Bureau of Consumer Protection
Office of Consumer and Business Education

August 1997