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# RACHAEL A. CABRAL-GUEVARA

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STATE SENATOR • 19<sup>TH</sup> SENATE DISTRICT

*Testimony before the Senate Committee on Shared Revenue, Elections and Consumer Protection*

*Senator Rachael Cabral-Guevara*

*September 26, 2023*

Hello, Chairman Knodl and members of the committee. Thank you for allowing me to submit testimony on Senate Bill 261, an important piece of legislation that will help protect young people from making rushed and sometimes uneducated decisions about the dermatological impacts tanning beds may have on their skin.

Tanning beds have sometimes been perceived as “safer” than sun exposure—which is not the case. In fact, the lamps used in tanning beds can emit even higher levels of ultraviolet radiation than the sun. Frequent tanning bed use can have dire unintended consequences later in life, including: higher risks of skin cancer, accelerated aging, and overall poor skin health.

By requiring parental consent for 16 and 17 year olds, this bill will give parents the opportunity to educate their child on the potential risk factors involved. Additionally, requiring proper informational signage at tanning facilities will allow both parents and their children to properly educate themselves of the potential dangers.

To be clear: this bill is not targeting tanning facility operators. Many of these business owners operate in good faith and some have already taken initiative to properly educate their clients. This bill is about consumer protection and allowing parents and their kids to make educated and informed decisions about their dermatologic health.

I am hopeful you will be able to support this critical piece of legislation that will help improve education and protect the health of our children across the state. Thank you again for your time.



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## Testimony before the Senate Committee on Shared Revenue, Elections and Consumer Protection

### Senate Bill 261

September 26, 2023

Thank you, Chair Knodl, Vice-Chair Feyen, and members of the Senate Committee on Shared Revenue, Elections and Consumer Protection for holding this hearing on Senate Bill (SB) 261, relating to regulation of tanning facilities. As the Legislative Reference Bureau states, SB 261 restricts the usage of tanning beds to minors without parental permission, prohibits the distribution of promotional material claiming health or medical benefits, and requires signage describing the significant health risks associated with using a tanning bed.

Under current law, all minors under the age of 16 are prohibited from using a tanning bed. State statute places no restriction on usage by 16-17 year olds. This legislation would allow 16 and 17 year olds to continue using tanning beds, but only if their parent/guardian signs an approval form.

Next, SB 261 prohibits the distribution of promotional materials that claim using a tanning bed provides significant health or medical benefits. Promotional materials regarding tanning bed benefits are often misleading. Tanning beds and sun lamps emit higher levels of harmful ultraviolet radiation than the sun, roughly 4 times the amount of the noon-day sun according to a 2003 study in the Journal of the American Academy of Dermatology. This study also found that patrons routinely spent more time in tanning beds than what the US FDA recommends for exposure.

Finally, this Bill requires signage with directions and information as well as the current telephone number for the Department of Safety and Professional Services to report injury. This requirement will keep tanning facilities accountable for following state law and relevant administrative rules.

Thank you for your kind attention and support of SB 261. I am happy to answer any questions you may have.



September 26, 2023

TO: Honorable Members, Wisconsin Committee on Shared Revenue,  
Elections and Consumer Protection

FROM: Joseph Levy, American Suntanning Association

RE: SB261 – Support Testimony

Mr. Chair and Honorable Members –

To make efficient use of your time in today's hearing, the American Suntanning Association – representing 223 professional sunbed facilities in Wisconsin employing 1,773 people – offers this very brief written testimony today in support of SB 261 – a bill that simply underscores practices that are already in place in professional sunbed facilities in Wisconsin.

Put simply: Passage of this bill will not change any of the procedures in professional tanning facilities. Parental consent is already required for clients aged 16-18.

As always, I am available to answer any questions you may have. Because there is much confusion about the science that supports sunburn prevention – as opposed to sun abstinence that is promoted by some interest groups – I have attached a more comprehensive description should you require further background on this topic.

Thank you for your service to the citizens of Wisconsin.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Levy", written in a cursive style.

Joseph Levy, executive director & director of scientific affairs  
American Suntanning Association



## WISCONSIN AB 241 & SB 261: RE-INFORCING BEST PRACTICES

The American Suntanning Association, its members, and the majority of parents in Wisconsin urge you to SUPPORT AB 241, legislation that reinforces best practices already in place in professional sunbed facilities in Wisconsin. Professional sunbed facilities in Wisconsin are at the forefront in teaching sunburn prevention to families who believe in responsibly incorporating non-burning ultraviolet light (UV) exposure into their lives.

- Wisconsin has 223 professional sunbed salon businesses employing 1,773 workers.<sup>1</sup>
- Wisconsin professional sunbed salons operate under state regulations<sup>2</sup> and follow protocol that underscores best industry practices including professional training, sanitation, sunburn prevention and eye protection.
- **Professional salons already require that minors who want to tan must have their parent's written consent. ASA and its members nationwide require this whether the state mandates it or not.** We support parental consent laws for UV tanning and constructive measures to bolster that standard. Compliance with this standard is high.
- Professional sunbed salon operators are formally trained to control client exposure times, gradually acclimating clients with exposures designed to deliver three-quarters or less of what would induce a sunburn, based on the client's "Fitzpatrick Skin Type" (sun sensitivity), which is formally evaluated<sup>3,4</sup>. Clients whose skin is evaluated as "Skin Type I" (too fair to develop a tan without burning) are advised not to sunbathe indoors and advised that their skin is especially sensitive to sunburn outdoors.<sup>3</sup> Professional sunbed salons advise clients to use sunscreen properly outdoors when sunburn is possible.
- Professional sunbed salons should not be confused with unmonitored sunbeds that exist in non-salon settings, such as apartment complexes, homes, fitness facilities and other locations. Professional operators in tanning salons are trained to control exposure times to avoid burning. Non-salon use of sunbeds, however, is more likely to involve burning since the user sets her/his own exposure times.

### The REAL Issue: Sunburn Prevention vs. Sun Avoidance

Individuals who visit professional sunbed salons are those who believe that sunburn prevention rather than complete sun avoidance is preferable, and whose indoor lifestyles and occupations make it difficult or impossible to get regular outdoor sun exposure in a non-burning fashion. Science supports this approach:

- Science is starting to promote a balanced message about sun care — that sunburn prevention (not sun avoidance) based on your individual skin type is what's best.<sup>5,6</sup>
- There is nuance to sun care that is often overlooked. Research is clear that while sunburns are associated with increased risk of injury, regular, non-burning UV exposure is actually associated with *reduced* risk of melanoma skin cancer.<sup>7,8,9</sup> This complex relationship is often mis-reported.

<sup>1</sup> American Suntanning Association 2019 Market Estimates.

<sup>2</sup> Chapter 463 of the Wisconsin Administrative Code

<https://dpsps.wi.gov/Pages/RulesStatutes/TanningFacilities.aspx>

<sup>3</sup> U.S. Sunbed Exposure Schedule Recommendations, outlined in U.S. FDA 21CFR1040.20.

<sup>4</sup> Indoor Tanning UV Operator Certificate Program. International Smart Tan Network.

<sup>5</sup> Weller R. Sunlight Has Cardiovascular Benefits Independently of Vitamin D. *Blood Purif* 2016; 41:130-134

<sup>6</sup> Hoel D, Holick M, Berwick M, DuGruilj F. The Risks and Benefits of Sun Exposure 2016. *Dermato-Endocrinology*. Vol. 8 Issue 11

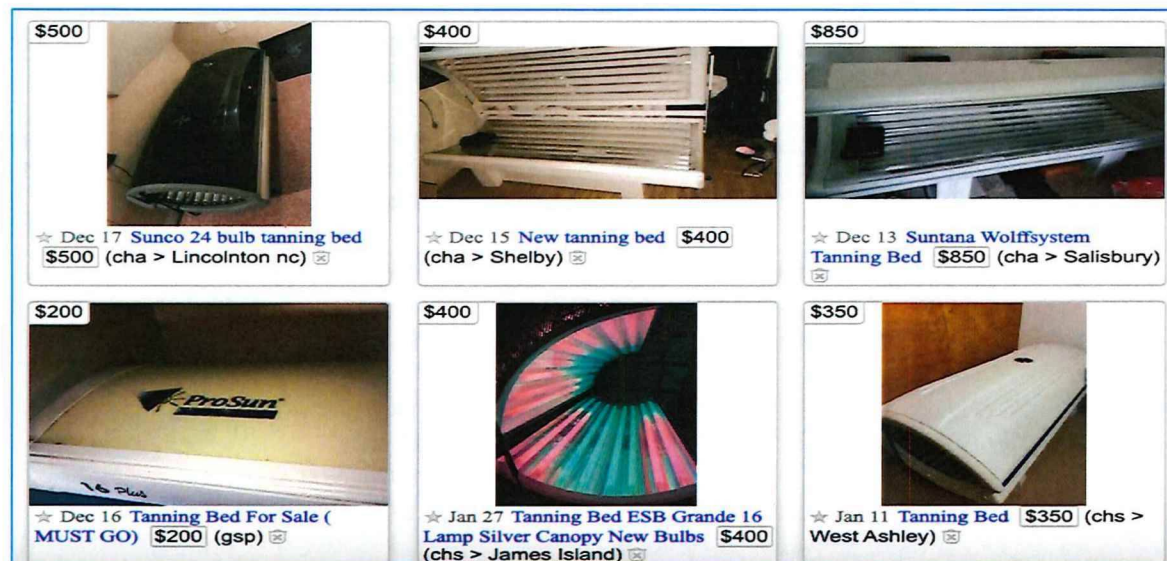
<sup>7</sup> Gandini, S.; Sera, F.; Cattaruzza, M.S.; Pasquini, P.; Abeni, D.; Boyle, P.; Melchi, C.F. Meta-analysis of risk factors for cutaneous melanoma: II. Sun exposure. *Eur. J. Cancer* 2005, 41, 45-60

<sup>8</sup> Van Schanke, A.; Jongsma, M.J.; Bisschop, R.; van Venrooij, G.M.C.A.L.; Rebel, H.; de Gruijil, F.R. Single UVB Overexposure Stimulates Melanocyte Proliferation in Murine Skin, in Contrast to Fractionated or UVA-1 Exposure. *J. Invest. Dermatol.* 2005, 124, 241-247

<sup>9</sup> Vuong, K.; McGeechan, K.; Armstrong, B.K.; AMFS Investigators, GEM Investigators. Cust AE Occupational sun exposure and risk of melanoma according to anatomical site. *Int. J. Cancer* 2014, 134, 2735-2741

## Non-Salon Sunbeds Are Different from Professional Salon Sunbeds

- Only 5 percent of the U.S. population chooses to use sunbeds today.<sup>10</sup>
- Of those who use sunbeds, 41 percent of sunbed usage takes place in non-salon “home” settings without a professional operator – a number that continues to increase.<sup>11</sup> In a non-salon setting the user almost always chooses and sets her/his own exposure times, more likely leading to sunburns. These units are widely available on Craigslist, Ebay and market web sites. Used sunbeds are less expensive than cell phones in almost any market.



Sunbeds in non-salon settings are less expensive than cell phones and readily available in any market.

- **Existing sunbed research, when separated by location of the sunbed, shows non-salon “home” sunbeds as the source of melanoma risk in the data and that professional salon visits, when separated from non-salon units, are not associated with significant risk.<sup>12,13</sup> This critical caveat supports the science showing that sunburn is the source of any significant UV-related risk – not non-burning exposure from any source. It supports the position that there is nuance to proper sun care.**
- A January 2020 meta-analysis of 103 papers ever conducted on sunbed usage showed that none of the papers adequately control for outdoor sunburns among study participants – troublesome because, “A large body of evidence from epidemiological and animal studies demonstrates no increase in melanoma risk after chronic (moderate) UV exposure (8 references provided). Many studies show that suberythral chronic exposure to the sun may be protective and that outdoor workers may have a reduced risk of melanoma.<sup>14,15,16,17,18</sup>

<sup>10</sup> National Health Interview Survey, CDC, National Center for Health Statistics.

<sup>11</sup> Hillhouse J. Prevalence and Correlates of Indoor Tanning in Non-salon Locations. JAMA-Derm. 2015 Vol. 151. No. 10

<sup>12</sup> Hoel. Commercial Tanning Salons and Melanoma Risk, Dermato-Endocrinology, Vol. 9, 2017, Issue 1

<sup>13</sup> Papas MA, Chappelle AH. Differential Risk of Malignant Melanoma By Sunbed Exposure Type. Proceedings of 3rd North American Congress of Epidemiology. Am J of Epid. 2011; 1003

<sup>14</sup> Elwood JM and Jopson J: Melanoma and sun exposure: An overview of published studies. Int J Cancer 73(2): 198-203, 1997. PMID: 9335442.

<sup>15</sup> Elwood JM, Gallagher RP, Hill GB and Pearson JC: Cutaneous melanoma in relation to intermittent and constant sun exposure— The western Canada melanoma study. Int J Cancer 35: 427-433, 1985. PMID: 3988369.

<sup>16</sup> Gass R and Bopp M: Mortality from malignant melanoma: Epidemiological trends in Switzerland. Schweiz Rundsch Med Prax 94(34): 1295-1300, 2005. PMID: 16170998. DOI: 10.1024/0369-8394.94.34.1295

<sup>17</sup> Kennedy C, Bajdik CD, Willemze R, De Gruij FR and Bouwes Bavinck JN: Leiden Skin Cancer Study. The influence of painful sunburns and lifetime sun exposure on the risk of actinic keratoses, seborrheic warts, melanocytic nevi, atypical nevi, and skin cancer. J Invest Dermatol 120(6): 1087-1093, 2003. PMID: 12787139.

<sup>18</sup> Grant WB: Role of solar UV irradiance and smoking in cancer as inferred from cancer incidence rates by occupation in Nordical appraisal of the recent reports o countries. Dermatoendocrinol 4(2): 203-211, 2012. PMID: 22928078. DOI: 10.4161/derm.20965

## The REAL Issue: Outdoor Sunburn is Epidemic in the Non-Tanning Population

- Professional sunbed salon protocol is designed to teach sunburn prevention. An overwhelming majority of sunburns happen in non-tanning situations outdoors, according to the U.S. Department of Health and Human Services.<sup>21</sup>
- But sunburn among the non-tanning general population as a whole is epidemic today, according to the U.S. Department of Health and Human Services. According to HHS' own data:
  - 19 out of 20 sunburns take place in situations where the individual isn't even trying to get a suntan.<sup>21</sup>
  - Only 0.6% of all sunburns are related to an indoor tanning device – and the majority of those sunburns happen in home tanning units – not professional salon tanning visits.<sup>21</sup>
  - Outdoor sunburn is 10 times more prevalent than use of sunbeds. Only 3.6% of adults report using sunbeds at all, according to the National Health Interview Survey as communicated by CDC in 2015. But 35.3% of adults report getting sunburned outdoors in that same data-set.

## Teenage Sunburns Happen Outdoors and in Home Tanning Units – Not in Professional Salons

About half of all Americans are getting at least one sunburn each year. Specifically:

- 46-50% of adults aged 18-24 (15.7 million) report outdoor sunburns annually.<sup>22</sup>
- 34-38% of adults over 25 (80.1 million) report outdoor sunburns annually.
- 57.2% of high-school-aged minors (9.2 million) reported outdoor sunburns in 2017.
- 78.8% of high-school-aged non-Hispanic white females reported **outdoor** sunburns in 2017.

**Key Point:** Five sunburns per decade of life increases melanoma risk 224% according to a National Cancer Institute-sponsored meta-analysis of 51 sunburn studies.<sup>23</sup> With the majority of the U.S. population sunburning outdoors, it is clear that outdoor sunburn – and NOT non-burning sunbed use in a professional salon -- is the significant issue.

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## ASA and Professional Sunbed Salons: Looking for Solutions

We are ALL trying to help the public avoid sunburn. But as it stands today:

- Most of the population suffers outdoor sunburns. Outdoor sunburn is by far the largest contributor to UV-related skin damage.
- Only 5 percent of the population uses sunbeds – and nearly half that usage is in non-salon settings. And non-salon usage is the source of significant risk in the data.
- Professional sunbed salon protocol is designed to teach sunburn prevention, and only 5 percent of the U.S. population uses sunbeds.
- Science is starting to promote a balanced message about sun care — that sunburn prevention (not sun avoidance) is what's best.

ASA and its professional members will continue to constructively work to promote sunburn prevention and will partner with those who want to advance real-world, effective sun care.

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**CONCLUSION: ASA supports AB241 and SB261 – they underscore our professional practices and will help us continue to teach effective sunburn prevention in Wisconsin.**

<sup>21</sup> Holman D. et al. The Context of Sunburn, Am J Prev Med 2021;60(5):e213–e220

<sup>22</sup> National Health Interview Survey, CDC, National Center for Health Statistics, August 2019.

<sup>23</sup> Dennis LK et al. Sunburns and Risk of Cutaneous Melanoma: A Comprehensive Meta-analysis. Ann Epidemiol. 2008 August ; 18(8): 614–627



Testimony on *Senate Bill 261* before the  
**SENATE COMMITTEE ON SHARED REVENUE, ELECTIONS  
AND CONSUMER PROTECTION**

September 26, 2023

*Wisconsin Dermatological Society*

Good morning, Chairman Knodl and members of the committee. The Wisconsin Dermatological Society (WDS) would like to thank you for the opportunity to testify today in favor of Senate Bill 261, important preventive health legislative legislation to require parental or guardian approval for 16- and 17-year-olds in Wisconsin who use indoor tanning beds.

We would like to thank Chairman Knodl for holding a public hearing on this bill, as well as Sen. Cabral-Guevara and Rep. Rozar for introducing this legislation. The WDS certainly appreciates their efforts to help ensure parents and guardians are involved in the decisions made by adolescents across the state to use indoor tanning equipment, which exposes them to harmful UV radiation.

By way of background, the WDS is a professional medical society comprised of board-certified Dermatologists committed to furthering the advancement of Dermatology and promoting quality medical care for the citizens of Wisconsin. Dermatology is a medical specialty that involves the diagnosis and treatment of conditions that affect the skin, hair, and nails.

Under current Wisconsin law, no one under the age of 16 is permitted to use UV-emitting tanning equipment at a commercial tanning facility. However, the American Academy of Dermatology strongly recommends against minors, regardless of age from using indoor tanning equipment, as their use is directly linked to the development of skin cancer, including melanoma. In fact, using tanning beds before age 20 can increase an individual's chances of developing melanoma by 47%.

SB 261 takes a more measured approach and aims to simply help parents better protect their children from the long-term health risks associated with indoor tanning. This straightforward legislation requires 16- and 17-year-olds to obtain written parental or guardian consent before using tanning beds. The bill also includes the following changes to current law to enhance overall consumer protection: 1.) Tanning bed operators would not be allowed to advertise or promote indoor tanning as free from health risks; and 2.) Warning signage currently required to be posted by tanning bed operators would need to be more legible and include information on how to contact DSPS to report an alleged injury.

From skin cancer to immune system impairment and premature aging of the skin, the health hazards from UV radiation overexposure are undisputed. UV radiation is a proven human carcinogen, and

the risk of future skin cancer increases significantly when teenagers intentionally expose themselves to artificial sources of UV rays. Young people are already at a higher risk of skin damage because their skin is more sensitive and still developing, and a single tanning-bed session may expose them to up to 12 times the ultraviolet (UV) exposure as they would receive from natural sunlight. It is also important to note that of the estimated 11.3 million Americans who use indoor tanning every year, approximately 1.6 million are adolescents. Unfortunately, melanoma is the fourth most common cancer in individuals aged 15-29 years, and the third most common cancer in individuals aged 25-29.

SB 261 will provide parental and guardian involvement in the decision of 16-and 17-year-olds to use tanning beds, better protect teenagers from the damaging effects of ultraviolet radiation, and ultimately help preserve the long-term health of Wisconsin youth. With that in mind, the WDS encourages your support for this legislation and would ask you to pass it out of committee.

Thank you for your consideration.