

1/7/2020

To: Local health jurisdictions

From: IDPH Tanning program

As you are aware from the updates sent 5/13/2019, the Department's ability to conduct tanning facility oversight was significantly impacted by a lack of funding for the program over the past several fiscal years. IDPH is currently supporting the minimum administrative functions required to process new facility permits, ongoing permit renewals, and the most critical investigations/enforcement (i.e. public injury complaints). In July 2019, delegation of authority for local jurisdictions to conduct tanning inspection was also removed from the local 28E contract.

As a result, several counties and local jurisdictions are considering or have already enacted local ordinances to enforce tanning requirements at the local level. At this time, we do not have records on how many local jurisdictions have enacted local ordinances.

We have also received several questions and we wanted to provide answers to some of these in this message. Please contact Angela Leek at angela.leek@idph.iowa.gov with any questions.

Q. Is IDPH still doing permitting or inspections of tanning facilities?

A. Iowa Code 136D requires all tanning facilities to hold a permit to operate a tanning facility. While this Code is in effect, IDPH will continue to issue and renew permits to all tanning facilities. Each facility pays an annual \$5 fee for this permit and this money deposits directly into the general fund. IDPH does not receive these funds for program management at this time.

IDPH does not have the staffing or resources to conduct routine inspections of tanning facilities, but will investigate or enforce complaints that appear to pose an immediate and serious risk to public health. IDPH would only charge inspection fees during an actual inspection or investigation and these funds would also deposit directly into the general fund.

Q. How are the tanning tests managed now?

A. IDPH has developed an online method of managing the tanning test using google forms. We will be placing these links and instructions on our IDPH tanning website, but please feel free to also distribute the links if you receive a request.

Owner/Manager Test - <https://forms.gle/xv1emxVDkDso387k7>

Owners and managers of tanning facilities will need to pass the exam provided at the link above to meet their testing requirements. IDPH will continue to monitor these test completions and will issue a confirmation email when an owner or manager passes the exam. This email will be proof of passing for the owner/manager test.

Operator Test - <https://forms.gle/WcxaSfjy9oEmTkGP7>

Facilities may also use the online operator test for their employees. Once the employee completes the exam, facilities will need to retain a screen shot of the passed exam page as proof of test completion for each operator. IDPH will not send confirmation emails when operators pass the operator exam. Facilities and county contacts will receive a separate message with instructions on how facilities should keep records of operator test completions.

Q. How long do programs need to keep historical records of tanning inspections?

A. Local jurisdictions may retain records for 5 years from the inspection date as previously specified for tanning in the 28E agreement between IDPH and the local jurisdictions.

Q. Does a local jurisdiction need to adopt an ordinance to continue to inspect tanning facilities?

A. Yes, counties would need to establish local authority in order to conduct or enforce tanning inspections. The 28E agreement between IDPH and the local jurisdictions that previously included tanning inspections delegated the IDPH authority to conduct inspections to the local jurisdictions. Without this wording in the 28E agreement for tanning, the delegation of inspection authority to local jurisdictions is absent. Any local ordinance for tanning facilities would need to be at least as restrictive as the current rules in Iowa Administrative Code 641 Chapter 46.

Q. Do any local jurisdictions require age limits on tanning?

A. We are not aware of any local jurisdictions enacting specific age restrictions at this time.