

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, March 05, 2015

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Martin, Senators Nuxoll, Hagedorn, Tippetts, Schmidt, Jordan and Lee

ABSENT/ EXCUSED: Senators Lodge

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Heider** called the meeting to order at 3:19 p.m.

MINUTES APPROVAL: **Senator Schmidt** moved to approve the Minutes of January 22, 2015. **Vice Chairman Martin** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Lacey** moved to approve the Minutes of February 5, 2015. **Vice Chairman Martin** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Nuxoll** moved to approve the Minutes of February 9, 2015. **Vice Chairman Martin** seconded the motion. The motion carried by **voice vote**.

H 177: **Relating to minors; amending section 18-1523, Idaho Code, to prohibit the use of tanning devices on minors except under certain circumstances;** presented by **Emily McClure**.

Emily McClure, Idaho Medical Association (IMA), said **H 177** amends Idaho Code § 18-1523d to include a restriction on the use of tanning beds by minors. In May 2014, the federal government mandated a black box warning label be affixed to tanning beds stating tanning beds should not be used by people under the age of 18.

Dr. Steven Mings, dermatologist, Boise, said **H 177** introduces parental consent for adolescents between the ages of 14 and 18 and bans use by minors 13 and under. It includes a provision for medically helpful usage by children 13 and under. He stated the evidence against artificial tanning by minors was clear; it has been proven to cause cancer. **Dr. Mings** said a restriction on adult usage was not the intent of the bill; it was to protect minors against misuse of ultraviolet light leading to an unnecessary risk of skin cancer. **Dr. Mings** told the Committee Idaho's occurrences of skin cancer and skin cancer related deaths are among the highest rates in the nation.

Senator Hagedorn asked if children's skin was more susceptible to skin cancer than adults and if the energy level produced by tanning beds was higher than the sun's levels. **Dr. Mings** said the sun and tanning beds were equally strong. He said skin cancer has been shown to have a definitive link to childhood exposure that does not diminish with age.

TESTIMONY: **Dr. Paul McPherson**, pediatrician, Idaho Chapter of American Pediatrics (ICAP), expressed ICAP's support for **H 177**. He stated a survey of high school students indicated 32 percent of 12th grade girls admit to the use of tanning beds. **Dr. McPherson** said enacting regulations on the use of tanning beds for minors would help to stem unnecessary risk of future skin cancer and immediate consequences such as tanning bed burns.

Robin Martin, Sole Survivor Melanoma Support Group (SSMSG), said she was a two time skin cancer survivor; her tanning began as a teenager in an attempt to fit in. **Ms. Martin** gave support for **H 177**.

Senator Hagedorn asked if Ms. Martin's mother was aware of the risk for skin cancer when her mother allowed her to use tanning beds during her teenage years. **Ms. Martin** replied little was known regarding the risk of skin cancer and its link to tanning beds during the late 1980s and early 1990s.

Stacey Satterlee, American Cancer Society (ACS), Cancer Action Network (CAN), said ACS could not support **H 177** because it does not fully ban all minors from the usage of tanning beds. The compromised bill was a good step toward initiating awareness of the dangers caused by of tanning bed usage. **Senator Tippets** asked Ms. Satterlee to clarify her position of not supporting the bill on the basis it was not a complete ban on minors. **Ms. Satterlee** stated the national organization's position was to see a full ban. She said her personal opinion was the bill sent a strong message about the dangers of tanning beds.

Courtney Knudsen, SSMSG, expressed her support for **H 177** as she was a skin cancer survivor who was a teenage user of tanning beds. She said a bill enacting parental consent would have prevented her early usage of tanning beds.

Ms. McClure informed the Committee that **H 177** passed the House committee and House floor. **Vice Chairman Martin** asked about the content of the previous failed versions of this bill. **Ms. McClure** said the 2012 version was a full ban on usage of tanning beds by minors; 2013 included parental consent for minors ages 16 and 17, with a full ban under 16. **Chairman Heider** added in 2012, experts were evenly divided at the time about the risk to minors. **Vice Chairman Martin** asked about the age restrictions written in Idaho Code § 18-1523. **Ms. McClure** said under the existing code, children between the ages of 14 and 18 need parental permission for such activities as body piercings and tattoos, which are banned for children 13 and under. **H 177** would add artificial tanning through the use of tanning beds to the existing code.

Vice Chairman Martin inquired who was guilty if Idaho Code § 18-1523 was violated. **Ms. McClure** stated under the code, any person who knowingly allows or facilitates the activity to occur upon a minor. **Senator Hagedorn** asked since this statute was added in 2004, how many people have been convicted under this code. **Ms. McClure** said her research indicated no prosecutions had occurred under this code.

MOTION:

Senator Martin moved to send **H 177** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

Senator Nuxoll said education and awareness of the link between skin cancer and tanning beds was of primary concern. She said a concurrent resolution would be the most appropriate course of action for this issue since it would not impose upon the rights of parents. **Senator Nuxoll** said she did not support the bill.

Senator Lee said this bill allowed parents the ability to determine the best course of action for minors in a high risk activity. She gave her support for this bill.

Chairman Heider called for a roll call vote. **Chairman Heider, Senators Martin, Hagedorn, Tippets, Lee, Schmidt** and **Lacey** voted **aye**. **Senator Nuxoll** voted **nay**. The motion carried.

**MINUTES
APPROVAL:**

Chairman Heider stated there was one more item on the Agenda; the approval of the Minutes of February 10, 2015 by Senator Lee. **Senator Lee** expressed apologies for not being present in the beginning but had reviewed the Minutes for February 10, 2015, found them to be in good order, and moved for a motion to approve. **Senator Tippets** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business, **Chairman Heider** adjourned the meeting at 4:11 p.m.

Senator Heider
Chair

Erin Denker
Secretary

Jenny Smith
Assistant Secretary