

## **SECTION .1400 - TANNING FACILITIES**

Codifier's Note: 10 NCAC 03G .3500 was transferred to 15A NCAC 11 .1400 effective January 4, 1990.  
Recodification pursuant to G.S. 143B-279.3.

### **10A NCAC 15 .1401 PURPOSE AND SCOPE**

(a) This Section provides for the registration and regulation of facilities and equipment which employ ultraviolet and other lamps for the purpose of tanning the skin of the living human body through the application of ultraviolet radiation.

(b) Except as otherwise provided in this Section, tanning facilities are exempt from the Rules in Sections .0100 through .1300 of this Chapter to the extent that such facilities do not receive, own, possess or use radioactive material or other sources of ionizing radiation as defined in G.S. 104E-5.

(c) Nothing in this Section shall be interpreted as limiting the intentional exposure of patients to ultraviolet radiation for the purpose of treatment or therapy other than skin tanning, provided such treatment or therapy is supervised by a licensed practitioner of the healing arts in the lawful practice of their profession, in accordance with the requirements of their professional licensing board to prescribe and supervise such treatment.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1401 Eff. February 1, 2015.*

### **10A NCAC 15 .1402 COMPLIANCE WITH OTHER LAWS**

Nothing in this Section shall relieve any person of responsibility for complying with other pertinent North Carolina laws and regulations.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1402 Eff. February 1, 2015.*

### **10A NCAC 15 .1403 DEFINITIONS**

As used in this Section, the following definitions shall apply:

(1) "Agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section.

(2) "Consumer" means any individual who is provided access to a tanning facility that is required to be registered pursuant to provisions of this Section.

(3) "Formal Operator Training" is a course of study approved by this agency as meeting the requirements in Paragraph (i) of Rule .1418 in this Section.

(4) "Individual" means any human being.

(5) "Inspection" means an official examination or observation to determine compliance with the rules in this Section, and orders, requirements, and conditions of the agency.

(6) "Minor" means any individual less than 18 years of age.

(7) "Medical Lamps" means any lamp that is designed or labeled for medical use only.

(8) "Operator" means any individual designated by the registrant to operate or to assist and instruct the consumer in the operation and use of the tanning facility or tanning equipment. Under this definition, the term "operator," includes any individual who conducts one or more of the following activities:

(a) determining consumer's skin type;

(b) determining the suitability of prospective consumers for tanning equipment use;

(c) informing the consumer of dangers of ultraviolet radiation exposure including photoallergic reactions and photosensitizing agents;

(d) assuring that the consumer reads and signs all forms as required by the rules in this Section;

(e) maintaining required consumer exposure records;

(f) recognizing and reporting consumer injuries or alleged injuries to the registrant;

(g) determining the consumer's exposure schedule;

(h) setting timers which control the duration of exposure; and

(i) instructing the consumer in the proper use of protective eyewear.

- (9) "Person," as defined in G.S. 104E-5(11), means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.
- (10) "Registrant" means any person who is registered with the agency as required by provisions of this Section.
- (11) "Registration" means registration with the agency in accordance with provisions of this Section.
- (12) "Tanning components" means any constituent tanning equipment part, to include ballasts, starters, lamps, reflectors, acrylic shields, timers, and airflow cooling systems.
- (13) "Tanning equipment" means ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation, e.g., beds, booths, facials, and wands.
- (14) "Tanning equipment services" means the installation, sales and servicing of tanning equipment and associated tanning components; calibration of equipment used in surveys to measure radiation and timer accuracy; tanning health physics consulting, e.g. radiation output measurements, design of safety programs, and training seminars for tanning operators and service personnel.
- (15) "Tanning facility" means any location, place, area, structure or business that provides consumers access to tanning equipment. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at separate locations, shall constitute separate tanning facilities.
- (16) "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;*

*Transferred and Recodified from 15A NCAC 11 .1403 Eff. February 1, 2015;*

*Amended Eff. May 1, 2016.*

#### **10A NCAC 15 .1404 EXEMPTIONS**

- (a) Any person is exempt from the provisions of this Section to the extent that such person:
- (1) uses equipment which emits ultraviolet radiation incidental to its proper operation, and
  - (2) does not use the equipment in Subparagraph (a)(1) of this Rule to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of skin tanning.
- (b) Any individual is exempt from the provisions of this Section to the extent that such individual owns tanning equipment exclusively for personal use.
- (c) Tanning equipment while in transit or storage incidental thereto is exempt from the provisions of this Section.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. November 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1404 Eff. February 1, 2015.*

#### **10A NCAC 15 .1405 APPLICATION FOR REGISTRATION OF TANNING FACILITIES**

- (a) Each person having a tanning facility on the effective date of this Rule shall apply for registration of such facility no later than 60 days following the effective date of this Rule.
- (b) Each person acquiring or establishing a tanning facility after the effective date of this Rule shall have a certificate of registration issued by the agency for such facility prior to beginning operation.
- (c) The application required in Paragraphs (a) and (b) of this Rule shall be completed on forms provided by the agency.
- (d) The agency shall require at least the following information on the forms provided for applying for registration of tanning facilities:
- (1) name, physical address, mail address and telephone number of the tanning facility;
  - (2) name(s), mail address(es) and telephone number(s) of the owner(s) of the tanning facility;
  - (3) each facility shall submit a copy of the tanning operator training certificate for each of the tanning facility operator(s) with the initial application in accordance with the provisions of the rules of this Section;
  - (4) the manufacturer(s), model number(s) and type(s) of ultraviolet lamp(s) or tanning equipment located at the tanning facility;

- (5) name(s) of the tanning equipment supplier(s), installer(s) and service agent(s);
- (6) certification that the applicant has read and understands the requirements of the rules in this Section, such certification to be signed and dated by the manager and the owner of the tanning facility; and
- (7) certification that each person operating a tanning facility shall not allow any individual under 18 years of age to be the operator of tanning equipment.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; June 1, 1993; May 1, 1992;*

*Transferred and Recodified from 15A NCAC 11 .1405 Eff. February 1, 2015.*

#### **10A NCAC 15 .1406 ISSUANCE OF CERTIFICATE OF REGISTRATION**

(a) Upon determination that an application meets the requirements of this Section, the agency will issue a certificate of registration.

(b) The agency may incorporate in the certificate of registration, at the time of issuance or thereafter by appropriate rule or order, such additional requirements and conditions with respect to the registrant's receipt, possession, use and transfer of tanning equipment and tanning facilities as the agency deems appropriate or necessary.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1406 Eff. February 1, 2015.*

#### **10A NCAC 15 .1407 EXPIRATION OF CERTIFICATE OF REGISTRATION**

Except as provided in Rule .1408(b) of this Section, each certificate of registration shall expire at midnight on the expiration date stated therein.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1407 Eff. February 1, 2015.*

#### **10A NCAC 15 .1408 RENEWAL OF CERTIFICATE OF REGISTRATION**

(a) The registrant shall file applications for renewal in accordance with Rule .1405 of this Section.

(b) Provided that a registrant files with the agency an application for renewal in proper form for renewal by August 29 of each calendar year, such certificate of registration shall not expire pending final action on the application by the agency.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002;*

*Transferred and Recodified from 15A NCAC 11 .1408 Eff. February 1, 2015.*

#### **10A NCAC 15 .1409 REPORT OF CHANGES**

The registrant shall notify the agency in writing within 30 calendar days after making any change which would render the information contained in the application for registration or the certificate of registration no longer accurate.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002;*

*Transferred and Recodified from 15A NCAC 11 .1409 Eff. February 1, 2015.*

#### **10A NCAC 15 .1410 TRANSFER OF CERTIFICATE OF REGISTRATION**

No certificate of registration may be transferred from one person to another person or from one tanning facility to another tanning facility.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1410 Eff. February 1, 2015.*

**10A NCAC 15 .1411 APPROVAL NOT IMPLIED**

No person, in any advertisement, shall refer to the fact that such person or such person's facility is registered with the agency pursuant to the provisions of this Section, and no person shall state or imply that any activity under such registration has been approved by the agency.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. November 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1411 Eff. February 1, 2015.*

**10A NCAC 15 .1412 DENIAL: REVOCATION: TERMINATION OF REGISTRATION**

(a) The agency may deny, suspend or revoke a certificate of registration applied for or issued pursuant to this Section:

(1) for any material false statement in the application for registration or in any statement of fact required by provisions of this Section;

(2) because of conditions revealed by the application or any report, record, inspection or other means which would warrant the agency to refuse to grant a certificate of registration on an original application;

(3) for operation of the tanning facility in a manner that causes or threatens to cause hazard to the public health or safety;

(4) for failure to allow authorized representatives of the agency to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this Section, conditions of the certificate of registration or an order of the agency;

(5) for violation of or failure to observe any of the terms and conditions of the certificate of registration, the rules in this Section, or an order of the agency; or

(6) for failure to pay a fee within 15 days of becoming delinquent as described in Paragraph (h) of Rule .1423 or for failure to correct payment of a fee in the form of a check or other instrument which is uncollectible from the paying institution within the timeframe specified in accordance with the provisions of the rules of this Section.

(b) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, prior to the institution of proceedings for suspension or revocation of a certificate of registration, the agency shall:

(1) call to the attention of the registrant, in writing, the facts or conduct which may warrant such actions, and

(2) provide reasonable opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.

(c) Any person aggrieved by a decision by the agency to deny a certificate of registration or to suspend or revoke a certificate of registration after issuance may request a hearing under provisions of G.S. 150B, Article 3.

(d) The agency may terminate a certificate of registration upon receipt of a written request for termination from the registrant.

*History Note: Authority G.S. 104E-7(a)(7); 104E-11(a);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; June 1, 1993;*

*Transferred and Recodified from 15A NCAC 11 .1412 Eff. February 1, 2015.*

**10A NCAC 15 .1413 CONSTRUCTION AND OPERATION OF TANNING EQUIPMENT**

Except as otherwise ordered or approved by the agency, each tanning facility shall be constructed, operated and maintained in accordance with the requirements in Rules .1414 to .1418 of this Section.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1413 Eff. February 1, 2015.*

**10A NCAC 15 .1414 WARNING SIGNS REQUIRED**

(a) The registrant shall post the warning sign described in Paragraph (b) of this Rule within one meter of each tanning station and in such a manner that the sign is clearly visible to consumers; not obstructed by any barrier, equipment, or other object; and may be easily viewed by the consumer before the tanning equipment is energized.

(b) The warning sign in Paragraph (a) of this Rule shall use upper and lower case letters that are at least seven millimeters and three and one-half millimeters in height, respectively, and shall state:

**DANGER - ULTRAVIOLET RADIATION**

UV – emitting tanning devices have been classified as "carcinogenic to humans. "

**ATTENTION: THIS DEVICE SHALL NOT BE USED BY PERSONS UNDER 18 YEARS OF AGE.**

- Follow instruction.

- Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions.

**REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER.**

- Wear protective eyewear.

**FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.**

Contraindications: This sunlamp product must not be used if skin lesions or open wounds are present.

Warning: This sunlamp product should not be used on individuals who have had skin cancer or have a family history of skin cancer.

Warning: Persons repeatedly exposed to ultraviolet sunlamp products should be regularly evaluated for skin cancer.

- Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medication or have a history of skin problems or believe yourself to be especially sensitive to sunlight. Consult your certified tanning operator for a list of cosmetics and products known to create sensitivity to light.

- If you do not tan in the sun, you are unlikely to tan from the use of this product.

- Consumers should report to the agency any injury for which medical attention is sought or obtained resulting from the use of registered tanning equipment. This report should be made within five working days after the occurrence.

(c) Warning signs shall include the current address and telephone number of the agency: Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section, 1645 Mail Service Center, Raleigh, NC 27699-1600, (919) 814-2250.

*History Note: Authority G.S. 104E-7(a)(7); 104E-9.1;*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; June 1, 1993;*

*Transferred and Recodified from 15A NCAC 11 .1403 Eff. February 1, 2015;*

*Amended Eff. May 1, 2016.*

## **10A NCAC 15 .1415 EQUIPMENT AND CONSTRUCTION REQUIREMENTS**

(a) The registrant shall use only tanning equipment manufactured in accordance with the specifications set forth in 21 Code of Federal Regulations (CFR) Part 1040, Section 1040.20, and with 21 CFR Part 878.4635, which is herein incorporated by reference, including subsequent amendments and editions and may be accessed at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>. The standard of compliance shall be the standards in effect at the time of manufacture as shown on the equipment identification label required by 21 CFR Part 1010, Section 1010.3. The registrant shall place an additional label on the bed that states "North Carolina state law prohibits the use of this device by persons under 18 years of age."

(b) Each assembly of tanning equipment shall be designed for use by only one consumer at a time.

(c) Each assembly of tanning equipment shall be equipped with a timer that complies with the requirements of 21 CFR Part 1040, Section 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error exceeding plus or minus 10 percent of the maximum timer interval for the product.

(d) Tanning equipment shall include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(e) All tanning equipment labeling required in Paragraph (a) of this Rule shall be easily read by the consumer while in the proximity of the tanning bed.

(f) The timer intervals shall be numerically indicated on the face of the timer.

(g) The timer shall not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle when emission from the tanning device has been interrupted.

(h) Each assembly of tanning equipment shall be provided with a control on the equipment to enable the consumer to manually terminate radiation emission from the equipment at any time without disconnecting the electrical plug or removing any ultraviolet lamp.

(i) The timer for the tanning devices shall be remotely located outside the room where the tanning equipment is located. The remote timer shall be set by a certified tanning operator.

(j) The registrant shall ensure that timer tests are performed annually on each assembly of tanning equipment and documented in writing for agency review during inspections to ensure the timer is accurate to within 10 percent as specified in Paragraph (c) of this Rule and the consumer is able to terminate the radiation manually in accordance with Paragraph (h) of this Rule.

(k) Medical lamps shall not be used for commercial cosmetic tanning purposes.

*History Note: Authority G.S. 104E-7(a)(7); 104E-9.1;*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; June 1, 1993;*

*Transferred and Recodified from 15A NCAC 11 .1415 Eff. February 1, 2015;*

*Amended Eff. May 1, 2016.*

#### **10A NCAC 15 .1416 ADDITIONAL REQUIREMENTS FOR STAND-UP BOOTHS**

Tanning booths designed for stand-up use shall also comply with the following additional requirements:

(1) Booths shall have physical barriers or other means, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.

(2) Booths shall be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling person.

(3) Access to booths shall be of rigid construction with doors which are non-latching and open outwardly.

(4) Booths shall be equipped with handrails and non-slip floors.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1416 Eff. February 1, 2015.*

#### **10A NCAC 15 .1417 PROTECTIVE EYEWEAR REQUIRED**

(a) The registrant shall provide protective eyewear to each consumer for use during any use of tanning equipment.

(b) The protective eyewear in Paragraph (a) of this Rule shall meet the requirements of 21 CFR Part 1040, Section 1040.20(c)(4).

(c) Tanning facility operators shall instruct the consumer in the proper utilization of the protective eyewear required by this Rule.

(d) The registrant shall ensure that the protective eyewear required by this Rule is sanitized before each use and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide such sanitizing.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1989;*

*Amended Eff. August 1, 2002; November 1, 1989;*

*Transferred and Recodified from 15A NCAC 11 .1417 Eff. February 1, 2015.*

#### **10A NCAC 15 .1418 RECORDS: REPORTS AND OPERATING REQUIREMENTS**

(a) Prior to initial exposure, the registrant shall provide each consumer the opportunity to read a copy of the warning specified in Rule .1414(b) of this Section and have the consumer sign a statement that the information has been read and understood. For illiterate or visually impaired persons unable to read, the warning statement shall be read aloud by the operator to that individual, in the presence of a witness, and the witness and the operator shall sign the statement.

(b) The registrant shall maintain a record of each consumer's total number of tanning visits, including dates and durations of tanning exposures.

(c) The registrant shall submit a written report of injury for which medical attention was sought or obtained from the use of registered tanning equipment to the Radiation Protection Section within five business days after occurrence.

The report shall include:

- (1) the name of the affected individual;
  - (2) the name and location of the tanning facility involved;
  - (3) the nature of the actual or alleged injury; and
  - (4) any other information relevant to the actual or alleged injury, including the date and duration of exposure and any documentation of medical attention sought or obtained.
- (d) The registrant shall not allow individuals under the age of 18 to use tanning equipment.
- (e) The registrant shall verify by checking legal identification that includes a driver's license, a passport, or military identification, each consumer is 18 years of age or older.
- (f) The registrant shall not allow minors to remain in the tanning room while the tanning equipment is in operation.
- (g) The registrant shall replace defective or burned out lamps, bulbs, or filters with a type intended for use in the affected tanning equipment as specified by the manufacturer's product label and having the same spectral distribution (certified equivalent lamp).
- (h) The registrant shall replace ultraviolet lamps and bulbs that are not otherwise defective or damaged at such frequency or after such duration of use as is recommended by the manufacturer of such lamps and bulbs.
- (i) The registrant shall certify that all tanning equipment operators are trained in at least the following:
- (1) the requirements of this Section;
  - (2) procedures for correct operation of the tanning facility and tanning equipment;
  - (3) recognition of injury or overexposure to ultraviolet radiation;
  - (4) the tanning equipment manufacturer's procedures for operation and maintenance of the tanning equipment;
  - (5) the determination of skin type of customers and determination of duration of exposure to registered tanning equipment; and
  - (6) emergency procedures to be followed in case of injury.
- (j) The registrant shall allow operation of tanning equipment only by and in the physical presence of persons who have completed formal training courses that meet the requirements of Subparagraphs (i)(1) to (6) of this Rule.
- (k) The registrant shall maintain a record of operator training required in Paragraphs (i) and (j) of this Rule for inspection by authorized representatives of the agency.
- (l) No registrant shall possess, use, operate, or transfer tanning equipment or their ultraviolet radiation sources in such a manner as to cause any individual under 18 years of age to be exposed to radiation emissions from such equipment.
- (m) Each registrant shall make available to all employees current copies of the following documents:
- (1) the facility's certificate of registration with the Radiation Protection Section; and
  - (2) conditions or documents incorporated into the registration by reference and amendments thereto.
- History Note: Authority G.S. 104E-7(a)(7); 104E-9; 104E-9.1; 104E-12;*  
*Eff. June 1, 1989;*  
*Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;*  
*Transferred and Recodified from 15A NCAC 11 .1418 Eff. February 1, 2015;*  
*Amended Eff. May 1, 2016.*

#### **10A NCAC 15 .1419 COMMUNICATIONS WITH THE AGENCY: AGENCY ADDRESS**

Applications for registration, reports, notifications, and other communications required by this Section shall be mailed to the Radiation Protection Section, 1645 Mail Service Center, Raleigh, North Carolina 27699-1600 or delivered to the agency at its office located at 5505 Creedmoor Road, Suite 100, Raleigh, North Carolina 27612.

*History Note: Authority G.S. 104E-7(a)(7);*  
*Eff. June 1, 1989;*  
*Amended Eff. August 1, 2002; May 1, 1992;*  
*Transferred and Recodified from 15A NCAC 11 .1419 Eff. February 1, 2015;*  
*Amended Eff. May 1, 2016.*

#### **10A NCAC 15 .1420 PROPOSED SERVICING**

Effective August 1, 1993, each person registered pursuant to Rule .1405 of this Section shall prohibit any person from furnishing tanning equipment services to their tanning equipment or facility until such person provides evidence that they are registered with the agency as a provider of services in accordance with the provisions of Rule .1421 of this Section.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. May 1, 1993;*

*Transferred and Recodified from 15A NCAC 11 .1420 Eff. February 1, 2015.*

#### **10A NCAC 15 .1421 APPLICATION FOR REGISTRATION OF SERVICING OR SERVICES**

(a) Each person who offers tanning equipment services to any agency registrant, shall apply for registration of such services with the agency within 60 days following the effective date of this Rule or, thereafter, prior to furnishing or offering to furnish any of these services.

(b) The application for registration required in Paragraph (a) of this Rule shall be completed on an approved agency form.

(c) Persons applying for registration under Paragraph (a) of this Rule shall certify that they have read and understand the requirements of the rules in this Section.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. June 1, 1993;*

*Transferred and Recodified from 15A NCAC 11 .1421 Eff. February 1, 2015.*

#### **10A NCAC 15 .1422 REPORTS AND INSTALLATION**

(a) Persons registered pursuant to Rule .1421 of this Section, who sell, lease, transfer, lend, dispose of, assemble or install tanning equipment in this state shall, within 30 days after each calendar quarter, notify the agency at the address in Rule .1419 of this Section, of:

(1) whether any tanning equipment was installed, transferred, or disposed of during the calendar quarter;

(2) the name and address of persons who receive tanning equipment during the calendar quarter;

(3) the manufacturer, model and serial number of tanning equipment transferred or otherwise disposed of; and

(4) the date of transfer of any tanning equipment.

(b) No person shall make, sell, lease, transfer, lend, repair, assemble, or install tanning equipment or the supplies used in connection with such equipment unless such supplies and equipment when properly placed in operation and used shall meet the requirements of the rules in this Section and the regulations of 21 CFR 1040.20.

*History Note: Authority G.S. 104E-7(a)(7);*

*Eff. May 1, 1993;*

*Amended Eff. August 1, 2002;*

*Transferred and Recodified from 15A NCAC 11 .1422 Eff. February 1, 2015.*

#### **10A NCAC 15 .1423 FEES AND PAYMENT**

(a) Annual fees established in this Rule shall be due on the first day of July of each year.

(b) Notwithstanding Paragraph (a) of this Rule, when a new registration is issued by the agency after the first day of July of any year, the initial fee is due on the date of issuance of the registration.

(c) The initial fee in Paragraph (b) of this Rule shall be computed as follows:

(1) When any new registration is issued before the first day of January of any year, the initial fee is the full amount specified in this Rule; and

(2) When any new registration is issued on or after the first day of January of any year, the initial fee is one-half of the amount specified in this Rule.

(d) Each registrant may pay all fees by cash, check, or money order as follows:

(1) Checks or money orders shall be made payable to "Radiation Protection Section," and mailed to 1645 Mail Service Center, Raleigh, NC 27699-1600 or delivered to the agency office at 5505 Creedmoor Road, Suite 100, Raleigh, NC 27612; and

(2) Cash payments shall be made only by appointment by calling the agency at 919/814-2250 and delivered to the agency office at 5505 Creedmoor Road, Suite 100, Raleigh, NC 27612.

(e) Within five days after the due dates established in Paragraphs (a) and (b) of this Rule, the agency shall mail to each registrant who has not already submitted payment a notice that indicates the due date, the amount of fees due, and the delinquent date.

(f) Payment of fees established in this Rule shall be delinquent if not received by the agency within 60 days after the due date specified in Paragraphs (a) and (b) of this Rule.



(g) If a registrant remits a fee in the form of a check or other instrument that is uncollectible from the paying institution, the agency shall notify the registrant by certified mail and allow the registrant 15 days to correct the matter, including payment of any fee charged to the agency by a banking institution.

(h) If payment of fees is uncollectible from the paying institution or not submitted to the agency by the delinquent date, the agency shall institute legal action to collect.

(i) Annual fees for person registered pursuant to provisions of this Section are as listed in the following table:

Type of registered facility	Letters appearing in registration number	Facility plus first piece of tanning equipment	Each additional piece of tanning equipment
Tanning Facility	B	\$200.00	\$30.00

*History Note: Authority G.S. 104E-9(a)(8); 104E-19(a);*

*Eff. July 1, 1994;*

*Amended Eff. July 1, 2011; August 1, 2007; August 1, 2002;*

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*Amended Eff. May 1, 2016.*