



**Ohio House Health Provider Services Committee Hearing**  
**Joseph Levy, American Suntanning Association**  
**HB169 Opposition Testimony**  
**September 27, 2023**

Thank you, Honorable Chairman and members of the Committee. My name is Joseph Levy, and I'm director of Scientific Affairs for the American Suntanning Association and the principal author and developer of Smart Tan operator training – the state-approved certificate training for the North American sunbed community. For 31 years I have developed sun-care training materials for thousands of professional sunbed centers and state regulators – including the Ohio Department of Cosmetology – and serve as our chief scientific liaison as a long-time member of the American Society for Photobiology.

First of all, on behalf of all of my constituents in Ohio, let me thank all of you for your service to the state of Ohio and your consideration of this topic. Ohio has 489 professional sunbed salon businesses employing 3,958 workers. Most of these locations are either ASA or Smart Tan members. Out of consideration to your valuable time, we've consolidated our thoughts on this topic into my testimony here today.

The American Suntanning Association, its members and the majority of parents in Ohio urge you to OPPOSE SB 59, as this bill will NOT accomplish what its well-meaning sponsors believe. In fact, it will actually INCREASE sunburn in Ohio.

**Professional salons already require that minors who want to tan must have their parent's consent signed in person in the salon. That's Ohio law. ASA and its members helped draft that law in 2014 and support parental consent laws for UV tanning and constructive measures to bolster that standard.** ASA just testified in SUPPORT of a parental consent bill in Wisconsin yesterday and this spring alongside the Wisconsin Dermatology Society. Compliance with this standard is high.

The sun care issue is complex and has nuance that can't be ignored. Professional sunbed facilities in Ohio are at the forefront in teaching effective sunburn prevention to families who believe in responsibly incorporating non-burning ultraviolet light (UV) exposure into their lives.

The issue isn't whether or not we should educate teens and their parents — and everyone for that matter — of the risks of *sunburn and overexposure* to UV from the sun or from a sunbed. We should. Everyone agrees on that. But what's the best way to go about that? Standard practice already in place in professional suntanning centers in Ohio today:

- Ohio professional sunbed salons operate under state regulations<sup>1</sup> and follow protocol that underscores best industry practices including professional training, sanitation, sunburn prevention and eye protection
- Exposure times in a professional salon are controlled by a professional, trained operator based on a schedule that takes into account a client's skin sensitivity – what we call Fitzpatrick Skin Type – and gradually increases times from session to session to minimize the risk of sunburn. I'm the author of the most highly utilized training program in North America – I'm happy to answer any questions you have about how this works.
- Parental consent forms signed in person in a salon for teen-aged UV tanning clients.

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<sup>1</sup> Chapter 4713 of the Ohio Revised Code and Chapter 4713 of the Ohio Administrative Code  
<https://www.scdhec.gov/sites/default/files/media/document/R.61-106.pdf>

- And you might not know this: Professional tanning facilities today have the ability to teach families and communities how to use sunscreen CORRECTLY outdoors. That means teaching communities HOW and WHEN to apply the product – because data worldwide are consistent: We know no one is doing it correctly. If you’ve ever watched someone put sunscreen on after arriving at the beach, or on the first tee of a golf course, you know what I’m talking about.

What the well-meaning sponsors of this bill have failed to consider: If the state removes the option for parents to decide if their families can use professional tanning facilities together, we would just be driving those people into non-salon sunbed locations without a professional operator to control your exposure time based on professional training. Those units are not subject to your rules. And those units ARE out there and available.

I’ve attached a recent capture from a Craigslist posting in Ohio – you see that you can purchase a used sunbed for less than the cost of a cell phone. And people have done so. A 2016 Rutgers University study confirmed that. The study showed two things:

1. Of those who choose to use sunbeds, 41 percent of sunbed visits takes place in non-salon “home” settings – in apartment complexes, beauty salons, gyms, home units in basements – all of which are sessions without a professional operator.<sup>2</sup> And would not be subject to this proposed rule.
2. That prohibiting UV tanning in salons for teens under 17 did NOT reduce sunbed usage in that state. It just moved sunbed sessions into those uncontrolled, unprofessional units that the state cannot monitor.

The reason that’s important: It’s these units that are more likely to lead to sunburn. And that’s a critical caveat confirmed by sunbed research published since Ohio last explored this topic:

1. A 2016 paper written by Dr. David Hoel, a world-leading expert on the effects of radiation on human health who served as the U.S. representative on the World Health Organization’s committee that reviewed this topic, showed that 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>3,4</sup> in the data. Dr. Mia Papas at the University of Delaware published the same finding a year earlier. These were numbers that were always right in the data that had been previously published – but had not been acknowledged in previous reports. This critical caveat supports the other 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.
2. A January 2020 meta-analysis of 103 papers ever conducted on sunbed usage – pretty much all of the data ever collected – showed that none of the papers on sunbed usage adequately control for the confounding variable of 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. Many

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<sup>2</sup> Hillhouse J. Prevalence and Correlates of Indoor Tanning in Non-salon Locations. JAMA-Derm. 2015 Vol. 151. No. 10

<sup>3</sup> Hoel. Commercial Tanning Salons and Melanoma Risk, Dermato-Endocrinology, Vol. 9, 2017, Issue 1

<sup>4</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

studies show that suberythemal chronic exposure to the sun may be protective and that outdoor workers may have a reduced risk of melanoma.<sup>5,6,7,8,9</sup>

Put clearly, the data do not implicate non-burning use of a sunbed as an independent risk factor. What makes that even more significant is recent data revealing just how prevalent OUTDOOR sunburn is in the United States. A 2021 study conducted by the U.S. Department of Health & Human Services revealed the following:

1. Half of all Americans sunburn OUTDOORS every year. Included in that number:
  - 57.2% of high-school-aged minors (9.2 million) reported outdoor sunburns.
  - 78.8% of high-school-aged non-Hispanic white females reported outdoor sunburns.
  
2. And here is perhaps the most revealing part of HHS's most recent data on outdoor sunburn:
  - 19 out of 20 sunburns take place in situations where the individual isn't even trying to get a suntan.<sup>10</sup>
  - Only 0.6% of all sunburns are related to an indoor tanning device – and as you have already heard those sunburns happen in non-salon tanning units – not professional salon tanning visits.

Put bluntly: Outdoor sunburn is epidemic. And just five sunburns per decade of life increases melanoma risk 224% according to a National Cancer Institute-sponsored meta-analysis of 51 sunburn studies.<sup>11</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.

UV exposure is NOT an industrial chemical. UV exposure is an essential component of life. We would be dead without UV exposure. That's what makes this issue so complex and full of nuance. This is not tobacco or plutonium – exposure to which serve no function and only create risk. The key to UV exposure is balance.

That's why melanoma researcher and professor of dermatology Dr. Jonathon Rees from Newcastle University once wrote that discussion about UV exposure is an example of politics and science becoming tragically intertwined and that an amicable separation is required. He wrote that because melanoma is more common in INDOOR workers than it is in OUTDOOR workers, according to the World Health Organization. It is much more common in men than in women. It is increasing much faster in OLDER men than it is in younger women, according to the National Cancer Institute. And it's most common on parts of the body that DON'T get regular UV exposure.

Many proponents of restricting access to sunbeds have not effectively respected that crucial aspect of the science. It is part of the nuance of sun care that is missing in their overall campaign. And while we ALL agree on sunburn prevention, this important caveat about practical sun care is our biggest source of disagreement.

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<sup>5</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>6</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>7</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>8</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>9</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

<sup>10</sup> Holman D. et al. The Context of Sunburn, *Am J Prev Med* 2021;60(5):e213–e220

<sup>11</sup> Dennis LK et al. Sunburns and Risk of Cutaneous Melanoma: A Comprehensive Meta-analysis. *Ann Epidemiol.* 2008 August ; 18(8): 614–627

And that's the problem. That's what Rees was talking about.

And THAT's why research dermatologist Dr. Bernard Ackerman -- the man largely credited with founding the field of dermatopathology and who trained more dermatopathologists than anyone else on the planet -- spent his career calling for balance in sun care and in his last monograph he explicitly said that, "Sometimes business is more academic than academia" and that Smart Tan's position on melanoma is right. And he encouraged others to reconsider their positions and to focus on sunburn prevention rather than promoting sun abstinence. I've never even met Ackerman and he endorsed my position. Ackerman is considered to be one of the highest-decorated dermatologists in American history. When the man who FOUNDED the field of dermatopathology says very explicitly that we're right, that's a good indication that you're onto something.

That's why Dr. Sam Shuster, a British Professor of Dermatology, has written if you think a tan is "damage" to the skin "you should tell that to (Charles) Darwin." That a tan is part of nature's intended design to prevent sunburn. Calling it "damage" is like calling exercise "damage" to muscle tissue.

That's why IARC scientist Dr. Sara Gandini has done a meta-analysis of 60 studies showing clearly that the greatest risk factors for melanoma are NOT UV related. Having more than 40 moles, having red hair and a having family history of melanoma are greater risk factors than any UV associations.

And Gandini's largest meta-analysis showed clearly that SUNBURN doubles one's risk of melanoma, but that chronic exposure may actually be protective. Mirroring the NIH study I referenced earlier. Again, outdoor workers get FEWER melanomas.

That's why melanoma researcher Dr. Arthur Rhodes, of the Rush University Medical Center in Chicago has written two reports suggesting that we need to focus on THOSE risk factors primarily -- not on UV exposure -- or we miss the opportunity to teach those who are actually at the greatest risk -- men over 50 with a family history of skin cancer and more than 40 moles on their bodies -- that they are the ones with the biggest risk of melanoma.

That's why research dermatologist Dr. Richard Weller is now getting worldwide press with research suggesting that the benefits of regular non-burning sun exposure may be 80-to-1 what the alleged risks are, and that we need to re-think our approach to sun care. He used a sunbed to prove that UV exposure produces nitric oxide in the skin and lowers blood pressure.

That's why Boston University endocrinologist and worldwide vitamin D pioneer Dr. Michael Holick has published hundreds of papers and books preaching balance because UV exposure is the body's true natural source of vitamin D, and that most Americans don't get enough vitamin D today. There are more than 35,000 papers on that topic, by the way.

That's why the world's leading vitamin D researchers in 2015 held a conference and published a peer-reviewed paper to declare that regular UV exposure IS natural and intended, and that sun care needs to swing back to center.







That's why the same group conducted a survey in 2016 and found that 98 percent of dermatologists say that UV light can be therapeutic and 30 percent of dermatologists actually REFER clients to sunbed salons. In other words: This ISN'T straightforward. Saying that UV exposure from any source is harmful and should be avoided is like saying that drinking water causes drowning, and therefore we shouldn't drink water. It misrepresents the complex and intended relationship that life has with UV light.

And that's why, during and since the COVID pandemic, we saw dozens of papers and thousands of research articles reviewing data that COVID outcomes were best in people who got regular sun exposure and who had sufficient vitamin D blood levels. This topic has nuance.

Many families DO use sunbeds in salons before tropical vacations and know that a tan, in combination with sunscreen usage, does help prevent sunburn better than sunscreen alone. That's why we think, moving forward, teaching sunburn prevention in the real world will be more important than ever.

The way to do that, we feel, is teaching the risks of overexposure without telling teens that any UV exposure is like smoking. It isn't. NOTHING is like smoking.

In conclusion, we are here to be part of the solution and to discuss this issue constructively and intelligently. The science clearly supports balance. And I have respect for those who are here today in support of this bill. No one is saying those groups can't continue to promote their views. But viewed in totality, the science supports balance. And that's why parental consent should continue to be the standard in salons in Ohio, and we will support any measure to bolster that standard. So let's work TOGETHER to send a balanced message to this state and your constituents that sun care is serious business WITHOUT over-reaching and going beyond the data. I'm happy to talk about how professional salons are part of the solution moving forward in fighting sunburn and overexposure. I'm happy to take your questions. Thank you again for your time today.

 <p>\$500</p> <p>★ Dec 17 Sunco 24 bulb tanning bed \$500 (cha &gt; Lincolnton nc) 🗑️</p>	 <p>\$400</p> <p>★ Dec 15 New tanning bed \$400 (cha &gt; Shelby) 🗑️</p>	 <p>\$850</p> <p>★ Dec 13 Suntana Wolffsystem Tanning Bed \$850 (cha &gt; Salisbu) 🗑️</p>
 <p>\$200</p> <p>★ Dec 16 Tanning Bed For Sale (MUST GO) \$200 (gsp) 🗑️</p>	 <p>\$400</p> <p>★ Jan 27 Tanning Bed ESB Grande 16 Lamp Silver Canopy New Bulbs \$400 (chs &gt; James Island) 🗑️</p>	 <p>\$350</p> <p>★ Jan 11 Tanning Bed \$350 (chs West Ashley) 🗑️</p>

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