

**Statement of Jill Frank, Palm Beach Tan Director of Operations**  
**HB169 – Opposition Testimony**  
**Sept. 27, 2023**

Thank you, Honorable Chair and members of the committee. My name is Jill Frank. Palm Beach Tan is America's largest professional tanning company, with locations here in Columbus and around Ohio. I am Vice President of Operations for our Ohio stores.

Team members at our Palm Beach Tan professional sunbed locations in the state are proud to teach sunburn prevention effectively to people of all ages in our communities. We are among the 489 professional suntanning centers in Ohio who employ just under 4,000 Ohioans.

We thank the bill sponsors and proponents for their interest in this important topic. But there is still a tremendous amount of confusion on this issue. This bill would not lead to a reduction in sunburn in Ohio – it would actually unintentionally INCREASE sunburn and would have other unintended consequences.

First, Palm Beach Tan and the American Suntanning Association worked with this the legislature and this committee in 2014 to develop the current state law, which requires parental consent signed in the salon for all UV tanners under the age of 18 – a standard professional tanning salons would follow whether or not the state required it.

The existing parental consent law is effective for two main reasons:

- First, it respects the right of parents to decide how to address this issue as a family. UV exposure is NOT an industrial chemical – it is something humans need. Because indoor lifestyles today mean people get less outdoor sun than ever before, my business is dedicated to helping those who want sunlight in their lives learn how to prevent sunburn.
- Second, it recognizes that 16-year-old teenagers can drive. What well-meaning proponents of this bill may not realize is this: 41 percent of all sunbed usage today occurs in NON-SALON sunbeds in homes, apartment complexes, gyms and other places where the sunbed does NOT have a professional operator to properly set the exposure time. This proposed bill would do nothing to change that.

At Palm Beach Tan and professional sunbed salons in Ohio, a formally trained operator – after completing a state-approved training course – controls the exposure time for any client based on their skin type. That doesn't happen in a non-salon sunbed.

In other words, passage of this bill would simply drive those who want to use sunbeds into those non-salon units that won't be covered by ANY law, where no professional operator sets the exposure time like my staff does. So there is no doubt passage of those bills would INCREASE sunburn – not decrease it.

Joe Levy from the American Suntanning Association met with this committee in June and referenced all of the research on this topic. And he can answer any questions any of you might have about any of the specifics. But I'd humbly ask you to please keep this in mind:

1. Ohio's current laws are already producing the results the sponsor intended. Individuals under 18 whose families choose to use sunbeds are tanning in regulated facilities where professionals administer suntanning with proper oversight, education, and regulations. Parents retain a say in the matter, and can ensure that tanning is occurring correctly in a supervised environment. Sometimes it really is simple. If it's not broken, it doesn't need to be fixed.

### Government Overreach

2. As I stated at the opening, I operate a legal, well-regulated business in the state of Ohio that provides a valuable service to your constituents and provides a means of living to thousands of Ohioans. HB169 seeks to unduly burden our industry by overregulating, without data demonstrating any need, my business operations. Although individuals under 18 do not represent the majority of my business, our industry is extremely low margin, so the loss of this customer base will be devastating.

I can only be left asking why government would want to do this? There is no compelling, data-driven reason to decimate my business model. In recent years, this very legislature has made it a point to reduce regulations on businesses and allow them to flourish under the free market. HB169 stands in diametric opposition to this philosophy by overregulating an already highly regulated industry.

Even more baffling is the fact that HB169 does this by substituting a parent's ability to make decisions about their children's health with that of big government. I ask you rhetorically, how does HB169 square with the principles of parental rights and individual freedoms?

In conclusion, I humbly ask that this committee oppose HB169. The unintended consequences of the bill will have unfortunate outcomes on the health of the individuals under 18 that we currently serve, and most assuredly will have negative repercussions on our well-regulated and well-functioning industry. I would be happy to answer any questions the committee might have.