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26:2D-59. Radon gas and radon progeny; study

The Department of Environmental Protection shall prepare and transmit to the Governor and Legislature a study concerning the dangers posed to the public health, safety, and welfare by the presence of radon gas and radon progeny in residential dwellings, schools, and public buildings in the State. The study shall identify the potential sources of contamination in the State, identify demographic, geologic, and geographic areas subject to an actual or potential threat or danger of contamination, and develop a cost-effective strategy for radon gas and radon progeny contamination testing. The study shall include recommendations for private actions to solve or alleviate potential health problems and any legislative or executive action that should be taken. The department shall prepare and transmit to the Governor and the Senate Institutions, Health and Welfare Committee and the General Assembly Agriculture and Environment Committee interim reports on its progress in implementing this section. The department shall transmit its first report on May 1, 1986 and subsequent reports every six months thereafter.

L. 1985, c. 408, s. 1, eff. Jan. 10, 1986.

26:2D-60. Voluntary registry

The Department of Health shall conduct an epidemiologic study of cancer and the presence of radon gas and radon progeny in residential dwellings and shall maintain a voluntary registry of persons at risk of radiogenic lung cancer. The department shall communicate promptly to persons on the registry new techniques for the prevention of mortality from the disease.

L. 1985, c. 408, s. 2, eff. Jan. 10, 1986.

26:2D-61. Monitoring

The Department of Environmental Protection and the Department of Health shall coordinate to establish a program of confirmatory monitoring of the presence of radon gas and radon progeny in residential dwellings, utilizing local health officers and the Department of Environmental Protection personnel.

L. 1985, c. 408, s. 3, eff. Jan. 10, 1986.

26:2D-62. Public information and education program

The Departments of Environmental Protection and Health shall also coordinate to establish a public information and education program to inform the public of the potential health effects of the presence of radon gas and radon progeny in residential dwellings, and the presence of radium in potable water supplies, and the geographic areas in the State subject to an actual or potential threat of danger and the measures which can be taken to protect the health, safety, and welfare of the citizens of the State. This public information and education program shall include:

- a. A cooperative program with county and local health departments to facilitate health

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education in response to requests from the public; and

- b. A toll-free public telephone information service within the Department of Environmental Protection to answer questions from residents of the State concerning radon gas and radon progeny contamination, or radium contamination, or both, as the case may be. The availability of the public telephone information service shall be published in the major newspapers circulated in the geographic areas of this State subject to an actual or potential threat of danger from radon gas or radon progeny contamination, or from the presence of radium in potable water supplies, as appropriate.

L.1985, c.408, s.4; amended 1989, c.311, s.5.

26:2D-63 to 26:2D-69. Blank

26:2D-70. Radon tester certification

The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who test for the presence of radon gas and radon progeny in buildings.

L. 1986, c. 83, s. 1, eff. Aug. 14, 1986.

26:2D-71. Radon mitigator certification

The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who mitigate, and safeguard buildings from, the presence of radon gas and radon progeny.

L. 1986, c. 83, s. 2, eff. Aug. 14, 1986.

26:2D-72. Mandatory programs

Beginning 90 days after the establishment of the certification programs by the Department of Environmental Protection pursuant to sections 1 and 2 of this act, no person who is not certified pursuant to section 1 or section 2 of this act, as appropriate, shall test for, or mitigate or safeguard a building from, the presence of radon gas and radon progeny. The provisions of this section shall not apply to a person performing this testing or mitigation on a building which he owns, or to a person performing testing or mitigation without remuneration.

L. 1986, c. 83, s. 3, eff. Aug. 14, 1986.

26:2D-73. Confidentiality

No person shall disclose to any person, except to the Department of Environmental Protection

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or the Department of Health, the address or owner of a nonpublic building that the person tested or treated for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality.

The provisions of this section shall not apply to a person performing testing or treatment on a building which he owns, or to instances where disclosure is necessary to contract for further testing or to contract for the mitigating and safeguarding of a building from the presence of radon gas and radon progeny. In the case of a prospective sale of a building which has been tested for radon gas and radon progeny, the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment, and any prospective buyer who contracts for the testing shall have the right to receive the results of that testing.

L. 1986, c. 83, s. 4, eff. Aug. 14, 1986.

26:2D-74. Disclosure to Department of Environmental Protection

A person certified pursuant to section 1 or 2 of this act to provide testing or mitigation services shall, within 30 days of the provision of these services, disclose to the Department of Environmental Protection the address or location of the building, the name of the owner of the building where the services were provided, and the results of any tests performed. The Department of Environmental Protection shall provide to the Department of Health this information upon the request of the Department of Health.

L. 1986, c. 83, s. 5, eff. Aug. 14, 1986.

26:2D-75. Fee schedule

The department shall establish a fee schedule to cover the costs of the certification programs established pursuant to sections 1 and 2 of this act.

L. 1986, c. 83, s. 6, eff. Aug. 14, 1986.

26:2D-76. Rules, regulations

The department shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations to implement the provisions of this act.

L. 1986, c. 83, s. 7, eff. Aug. 14, 1986.

26:2D-77. 3rd degree crimes

A person who violates the provisions of section 3, 4, or 5 of this act, or any rule or regulation adopted pursuant thereto, is guilty of a crime of the third degree.

L. 1986, c. 83, s. 8, eff. Aug. 14, 1986.

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26:2D-78. Not public records

For the purposes of P.L. 1963, c. 73 (C. 47:1A-1 et seq.), health data relating to individuals and data relating to radon gas and radon progeny contamination at specific properties, including residential dwellings, gathered pursuant to the provisions of this act and the provisions of P.L. 1985, c. 408 (C. 26:2D-59 et seq.) shall not be deemed to be public records. The Department of Health and Environmental Protection shall destroy all information in their possession relating to the names and addresses of persons owning properties on which data were collected relating to radon gas and radon progeny contamination, at the end of five years from the date on which the data were collected.

L. 1986, c. 83, s. 9, eff. Aug. 14, 1986.

26:2D-79. Specialized scientific personnel

The Departments of Environmental Protection and Health are authorized to employ persons with specialized scientific training necessary to implement the provisions of P.L. 1985, c. 408 (C. 26:2D-59 et seq.) without regard to the provisions of Title 11 of the Revised Statutes.

L. 1986, c. 83, s. 10, eff. Aug. 14, 1986.

26:2D-80. New-house testing

The Department of Community Affairs is authorized to enter into an agreement with a public or private agency to carry out testing for radon gas and radon progeny at the sites of residential dwellings, the construction of which is in progress or commences on or after the effective date of this act, and to provide funding for that testing, provided that each \$1.00 of that funding is matched by \$1.00 from other public or private sources.

L. 1986, c. 83, s. 11, eff. Aug. 14, 1986.

26:2D-81. Findings, declarations

The Legislature finds and declares that:

Tanning facilities are not regulated by the State of New Jersey and the number of tanning facilities is rapidly growing throughout the State; various physical complications can arise from frequent and unsupervised use of these tanning facilities such as, overexposure to ultraviolet radiation which can cause severe sunburn and eye injury including cataracts and corneal damage; repeated exposure to ultraviolet light in tanning facilities can also cause premature aging of the skin, skin cancers and abnormal skin sensitivity in persons who may be using certain drugs including some tranquilizers, diuretics, antibiotics, high blood pressure medicines and birth control pills.

It is, therefore, desirable that citizens are protected against any problems which may result from improperly functioning equipment in tanning facilities and given the potential for harm that is presented by establishments using artificial suntan sources, it is imperative that effective minimum safety standards in this health area be established.

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L.1989, c.234, s.1.

26:2D-82. "Tanning facility" defined

As used in this act: "tanning facility" means any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides patrons with access to sunlamps, ultraviolet lamps or other equipment intended to induce skin tanning through the irradiation of any part of the human body for cosmetic or nonmedical purposes.

L.1989, c.234, s.2.

26:2D-82.1 Restrictions on use of tanning facilities by minors.

- a. A tanning facility operator shall not permit a person who is under 17 years of age to use a tanning facility, except as provided in paragraph (1) of subsection b. of this section.
- b.
 - 1) A tanning facility operator shall permit a person who is at least 14 years of age to use spray tanning in a tanning facility.
 - 2) A tanning facility operator shall not permit a person who is under 17 years of age to use a tanning bed. A tanning facility operator shall permit a person who is at least 17 years of age to use a tanning bed, provided that the person's parent or guardian is present at the tanning facility for the initial consultation.
 - 3) An emancipated minor shall be exempt from the provisions of this subsection upon legal proof documenting said emancipation.
- c. (Deleted by amendment, P.L.2013, c.39).
- d. The penalties for violating the provisions of this section shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).

Amended by L. , c. 39,s. 1, eff. 10/1/2013.

Amended by L. 2012, c. 17, s. 147, eff. 6/29/2012.

Added by L. 2006, c. 48, s. 1, eff. 11/16/2006.

26:2D-83. Minimum safety standards for tanning facilities established

The Commissioner of Health, in consultation with the Department of Environmental Protection, shall, by regulation, establish minimum safety standards for tanning facilities. The standards shall include, but not be limited to:

- a. Establishment of a maximum safe time of exposure to radiation and a maximum safe temperature at which tanning devices may be operated;

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- b. A requirement that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that a patron be supervised as to the length of time the patron uses tanning equipment at the facility;
- c. A requirement that the facility operator post easily legible, permanent warning signs near the tanning equipment which state: "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL INSTRUCTIONS";
- d. A requirement that the facility have protective shielding for tanning equipment in the facility; and
- e. A requirement that the facility operator post a sign in conspicuous view at or near the reception area which states: "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO USE SPRAY TANNING IN THIS TANNING FACILITY. PERSONS WHO ARE AT LEAST 17 YEARS OF AGE SHALL BE PERMITTED TO USE A TANNING BED IN THIS FACILITY PROVIDED THAT A PARENT OR LEGAL GUARDIAN IS PRESENT FOR THE INITIAL CONSULTATION."

Amended by L. , c. 39,s. 2, eff. 10/1/2013.

Amended by L. 2012, c. 17,s. 148, eff. 6/29/2012.

Amended by L. 2006, c. 48, s. 2, eff. 11/16/2006.

L.1989, c.234, s.3.

26:2D-84. Compliance with safety standards; certification, periodic inspections

The local board of health in the municipality in which a tanning facility is located shall certify that a facility is in compliance with the safety standards established pursuant to section 3 of this act and shall periodically inspect the facility to ensure continued compliance with the standards.

L.1989, c.234, s.4.

26:2D-85. "Non-Ionizing Radiation Fund" established in Department of Health

There is established in the Department of Health a nonlapsing revolving fund known as the "Non-Ionizing Radiation Fund." The fund shall be credited with all fees collected pursuant to this act. Interest on monies in the fund shall be credited to the fund, and all monies in the fund are appropriated for the purposes of this act.

L.1989, c.234, s.5.

26:2D-86. Tanning facility; annual registration, fee

- a. A tanning facility shall register annually with the Department of Health on forms provided by the department and shall pay to the department an annual registration fee.

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- b. The Department of Health shall establish a registration fee schedule, by regulation, to cover the costs of implementing the provisions of this act, including the costs incurred by local boards of health pursuant to section 4 of this act.

Amended by L. 2012, c. 17, s. 150, eff. 6/29/2012.

Amended by L. 2006, c. 48, s. 4, eff. 11/16/2006.

L.1989, c.234, s.6.

26:2D-87. Violations, penalties

A person who violates the provisions of P.L. 1989, c.234 (C.26:2D-81 et seq.) and P.L. 2006, c. 48(C.26:2D-82.1 et al.) is subject to a penalty of \$100 for the first offense and \$200 for each subsequent offense, except that a tanning facility operator who violates the provisions of section 1 of P.L. 2006, c. 48(C.26:2D-82.1) concerning a minor's use of the tanning facility is subject to a penalty of \$1,000 for the first offense, \$2,000 for the second offense, and \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. The penalty shall be sued for and collected in a court of competent jurisdiction in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274(C.2A:58-10 et seq.).

A penalty recovered under the provisions of P.L. 1989, c.234 (C.26:2D-81 et seq.) and P.L. 2006, c. 48(C.26:2D-82.1 et al.) shall be recovered by and in the name of the Commissioner of Health or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health the penalty recovered shall be paid by the commissioner into the treasury of the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board of health into the treasury of the municipality where the violation occurred.

Amended by L. , c. 39,s. 3, eff. 10/1/2013.

Amended by L. 2012, c. 17, s. 151, eff. 6/29/2012.

Amended by L. 2006, c. 48, s. 5, eff. 11/16/2006.

L.1989, c.234, s.7.

26:2D-88 Rules, regulations.

In accordance with the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health, in consultation with the Commissioner of Environmental Protection, shall promulgate rules and regulations necessary to carry out the purposes of this act.

Amended by L. 2012, c. 17, s. 152, eff. 6/29/2012.

Amended by L. 2006, c. 48, s. 6, eff. 11/16/2006.

L.1989, c.234, s.8.

26:2D-89 Report to Governor, Legislature.

The Commissioner of Health shall report to the Governor, and to the Legislature pursuant to section

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2 of P.L.1991, c.164 (C.52:14-19.1), no later than two years after the effective date of P.L.2013, c.39, on the number and details of violations of P.L.1989, c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.) found at tanning salons.

L.2013, c.39, s.4.