Revisiting Tanning-Bed Legislation

Indoor tanning equipment is classified by the US Food and Drug Administration (FDA) as a medical device; therefore, it falls under FDA jurisdiction. Over the past decade, the FDA has made it quite clear that they are not interested in significant restrictions on indoor tanning. The United States Senate recently passed legislation requiring the FDA to at least take a second look at the issue. This may be an important first step in enhancing public safety through the FDA's oversight of indoor tanning.

In 1994, the American Medical Association proposed a ban on the cosmetic use of indoor tanning equipment to the FDA. The FDA declined to act on this recommendation, and the use of indoor tanning equipment has grown dramatically since that time. The industry itself estimates that $5 billion is spent each year on indoor tanning.[1] Since the American Medical Association's failed proposal, the FDA has arranged for the National Institutes of Health to conduct studies on the minimum amount of UV exposure required to generate a cosmetically desirable tan. The idea is to minimize exposure while still allowing the consumer to tan. Presumably, these new minimums would become an FDA guideline for the use of indoor tanning equipment, but it is doubtful that any enforcement of such guidelines would be possible.

In its 10th *Report on Carcinogens,* the National Institutes of Health states, "Exposure to sunbeds and sunlamps is known to be a human carcinogen based on sufficient evidence of carcinogenicity from studies in humans, which indicate a causal relationship between exposure to sunbeds and sunlamps and cancer."[2] Since there has been no legislative protection from this known carcinogen at the federal level, dermatologists have shifted legislative efforts to the state level. These efforts have been directed at affixing clear warning labels to and banning minors from using indoor tanning equipment and are similar to the efforts that led to warnings being included on cigarette packaging. Such regulations have been enacted by several states, although the enforcement of these restrictions is open to question.

New tanning safety legislation supported by dermatologists has now been passed by the United States Senate, putting tanning legislation back on the federal agenda for the first time in many years. The Tanning Accountability and Notification Act passed 93 to 1 in the senate as part of a larger bill reauthorizing the FDA's user fee program for the approval of drugs and medical devices. This legislation had bipartisan sponsorship from Sen Jack Reed (D-RI) and Sen Johnny Isakson (R-GA). The bill will move to the House of Representatives, where similar legislation is expected to be passed.

Included in the bill is a requirement for the FDA to determine if there should be a label on tanning beds that reads "Ultraviolet radiation can cause skin cancer."

The new bill calls for the FDA to determine if current content and positioning of warning labels on indoor tanning equipment is adequate to warn consumers of the known dangers of indoor tanning. Included in the bill is a requirement for the FDA to determine if there should be a label on tanning beds that reads "Ultraviolet radiation can cause skin cancer." This legislation is significant because it focuses federal attention on a growing public health problem: skin cancer. Studying the problem is only the first step, but it is important that the federal government is paying attention to the national epidemic of skin cancer.

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References

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2. *Report on Carcinogens.* 10th ed. Rockville, Md: US Department of Health and Human Services, Public Health Service, National Toxicology Program; December 2002.