Filed July 28, 2016

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH

CONSUMER, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH SERVICES

PUBLIC HEALTH SANITATION AND SAFETY PROGRAM

Tanning Facilities

Readoption with Amendments: N.J.A.C. 8:28

Adopted Repeals: N.J.A.C. 8:28-3.5 and 8:28 Appendix C

Adopted Repeals and New Rules: N.J.A.C. 8:28 Appendices A and B

Proposed: March 7, 2016, at 48 N.J.R. 351(a).

Adopted: July 15, 2016, by Cathleen D. Bennett, Commissioner, Department of Health.

Filed: July 15, 2016, as R.2016 d.097, **without change**.

Authority: N.J.S.A. 26:2D-81 et seq., particularly 26:2D-88.

Effective Dates: July 15, 2016, Readoption;

August 15, 2016, Amendments, Repeals, and New Rules.

Expiration Date: July 15, 2023.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The Department is not readopting with amendments, repeals, and new rules at N.J.A.C. 8:28 under the authority of, or in order to implement, comply with, or participate in any program established under Federal law, or under a State statute that incorporates or refers to Federal law,

standards, or requirements. The Department is readopting the rules under the authority of N.J.S.A. 26:2D-81 et seq., particularly 26:2D-88. Therefore, a Federal standards analysis is not required. However, the Department readopts and incorporates by reference in the chapter, the Federal Food and Drug Administration's (FDA) performance standard, Sunlamp products and ultraviolet lamps intended for use in sunlamp products, 21 CFR 1040.20. This standard requires manufacturers of sunlamp products and ultraviolet lamps intended for use in sunlamp products to meet certain equipment performance standards and labeling requirements. The Department regulates only tanning facilities and not manufacturers of sunlamp products and lamps. The Department also proposes to amend N.J.A.C. 8:28 to incorporate by reference in the rules, the FDA's sunlamp product labeling standard, 21 CFR 878.4635(b)(6)(i)(A). The readopted rules with amendments, repeals, and new rules require registrants to continue to provide protective eyewear that meets FDA standards. In all cases where the rules incorporate Federal standards by reference, the rules meet but do not exceed the Federal standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 8:28.

Full text of the adopted amendments and new rules follows:

TEXT