

**ADOPTIONS SECTION**

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH**

**CONSUMER, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SERVICE**

**Notice of Readoption**

**Tanning Facilities**

**Readoption: N.J.A.C. 8:28**

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

Authorized By: Judith M. Persichilli, R.N., B.S.N., M.A., Commissioner, Department of Health, in Consultation with the Department of Environmental Protection.

Effective Date: May 30, 2023.

New Expiration Date: May 30, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 8:28 were scheduled to expire on July 15, 2023. The rules establish standards in New Jersey for tanning facilities. The standards cover purpose and scope, definitions, initial registration, issuance and term of certificate of registration, renewal of registration, change of information notification, inspections, equipment, construction of tanning facilities, sanitation and maintenance of tanning facilities, warning sign, protective eyewear, protection of consumers – general, protection of consumers – minors, protection of consumers – exposure limits, protection of personnel, training of personnel, records, advertising and promotion, and the following enforcement actions: denial, suspension, or revocation of registration, penalties, and appeals. In addition, the

rules establish at N.J.A.C. 8:28 Appendix A, the application for tanning facilities registration and at N.J.A.C. 8:28 Appendix B, the tanning facility inspection checklist.

The Department of Health (Department) established and conferred with a stakeholder group comprised of representatives from the Department, the Department of Environmental Protection, local/county health departments, Rutgers University, dermatologists, Smart Tan, and several operators of indoor tanning facilities, to review the existing rules and consider improvements. The Department is developing a rulemaking in response to the recommendations of the stakeholder group. In the meantime, to maintain the current rules in effect, the Department of Health has determined that the rules should be readopted without change. Subject to the improvements under consideration, the rules remain necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:28 is readopted and shall continue in effect for a seven-year period.