



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

## **Response to Comments on Draft Parental/Guardian Consent Form for Indoor Tanning by Minors**

**Maryland Department of Health and Mental Hygiene, November 2013**

In May and June 2013, the Department of Health and Mental Hygiene sought comments on a proposed revised draft parental/consent form for indoor tanning by minors. This proposal followed a previous public comment period and input from the Children's Environmental Health and Protection Advisory Council. The Department received comments from the medical community and indoor tanning industry.

**Comment:** The indoor tanning industry questioned the Department's legal authority to proceed with the revised form.

**Response:** The Office of Attorney General has supported the Department's authority in this area. Joshua Auerbach, Assistant Attorney General and Principal Counsel to the Department, has written that "the Department has legal authority to revise the form with the updated and new content under consideration."

**Comment:** The indoor tanning industry disputed whether there is adequate scientific evidence that indoor tanning causes skin cancer.

**Response:** After receiving these comments, the Department sought input from the State Council on Cancer Control. The Council includes experts in the biology and epidemiology of cancer, as well as consumer and public health members. At its September 27 meeting, the Council on Cancer Control heard presentations from both the medical community and indoor tanning industry. Then, the Council voted unanimously to recognize that indoor tanning can cause cancer, that parents should be made aware of this risk, and that the revised language on cancer risk in the consent form should be adopted with one change. The proposed form stated: "Indoor tanning causes skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices." The Council on Cancer Control recommended that this passage instead read: "Indoor tanning can cause skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices"

The Department has accepted this recommendation, and the relevant advisory language in the form will now read:

*"Indoor tanning can cause skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices."*

**Comment:** Med Chi asked the Department to strengthen the warnings by adding “graphic information demonstrating the risk posed by tanning devices.”

**Response:** Based on input from the Children’s Environmental Health and Protection Advisory Council, the Department is not accepting this recommendation at this time.

**Comment:** Med Chi asked the Department to require a consent form to be executed “prior to each tanning bed session.”

**Response:** The Department sought to strike a balance between, on the one hand, excessive consent requirements, and, on the other hand, ensuring that parental consent, if given, is informed, valid and effective. The Department noted that parental consent is generally required for students to participate in interscholastic athletics, and that parental consent to such participation is generally required at the beginning of each new athletic season during the school year. The Department has decided to treat parental consent, if given, as valid and effective for a period of up to six months.

**Comment:** Several dermatologists requested stronger language regarding risk, establishing a registry of consents, and providing a recommended schedule of skin cancer screening for users of indoor tanning beds.

**Response:** The Department declines to make these changes. As discussed above, the language on risk is based on the input of the State Council on Cancer Control. The other items go beyond the proposed revisions to the form and consent procedure.