**Section 795.30 Definitions**

The definitions and interpretations contained in section 201 of the Federal Food, Drug and Cosmetic Act, 21 CFR 1040.20, and the Illinois Food, Drug and Cosmetic Act are applicable to those terms when used in this Part. The following definitions shall also apply:

"Act" means the Tanning Facility Permit Act.

"Agent" means a local health department recognized by the Department.

"Applicant" means any person who applies to the Department for a permit to maintain and operate a tanning facility.

"Change of ownership" means any of the following:

In the case of a tanning facility owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a tanning facility owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a tanning facility owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person whether or not the owner retains any interest in the facility.

*"Consumer" means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access*. (Section 5 of the Act)

*"Department" means the Illinois Department of Public Health or other health authority designated as its agent*. (Section 5 of the Act)

*"Director" means the Director of Public Health or his* or her *designee*. (Section 5 of the Act)

"Disinfect" or "disinfection" means a process that provides an effective concentration of a United States Environmental Protection Agency approved chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when those disease organisms that may be present are destroyed so as to prevent transfer) on tanning equipment surfaces and in toilet and hand-washing facilities.

"Existing facility" means a tanning facility that submitted an application for a permit to operate a tanning facility on or before March 8, 1993 and remains in operation with an unexpired tanning facility permit at the same location under the same ownership as listed in the original tanning facility permit application.

"Expired facility" means a previously permitted tanning facility that has not renewed its tanning facility permit on or before the expiration date of the permit, except as provided in the definition of new facility.

"Extensively remodeled" means conversion of an existing structure for use as a tanning facility; structural additions or alterations to existing facilities; or changes, modifications or extensions of plumbing or electrical systems, excluding routine maintenance of the systems.

"Facility" means tanning facility.

*"Fee" means the payment or exchange of goods, or anything of value, for the use of the tanning facility or facilities*. (Section 5 of the Act)

"Individual" means any human being.

"Injury" means any circumstance or incident, resulting from the use of a tanning device that prompts a consumer to seek professional medical attention.

"Inspection" means an official examination or observation that includes, but is not limited to, tests, surveys, and monitoring to determine compliance with this Part.

"Licensee" means the same as "permittee".

"New facility" includes any tanning facility that submitted an initial application for a tanning facility permit on or after March 9, 1993. Previously permitted facilities that have changed location or ownership are considered to be new facilities upon their relocation or change of ownership. Expired facilities that fail to renew their tanning facility permit within 90 days after the permit expiration shall be considered new facilities.

*"Operator" means the* trained *person designated by the licensee for the facility* to control the operation of a tanning facility in compliance with the Act and this Part and *to assist and instruct the public in the correct operation of the tanning facility* and its equipment. (Section 5 of the Act)

*"Other compensation" means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities*. (Section 5 of the Act)

"Permanent" means a minimum of five years following the last attendance date for record keeping.

"Permit" means a permit issued by the Department in accordance with this Part.

"Permittee" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of Illinois, any other state or political subdivision or agency of any other state or political subdivision, and any legal successor, representative, agent, or agency of any of the entities listed.

"Personal use" means the use of tanning equipment in a private residence for the owner or owners of the residence and other individuals living at the residence.

"Private residence" means a place in which an individual, group or family can live and store personal property, such as a single-family detached home, apartment, duplex or condominium. Private residence does not mean an apartment complex or a condominium complex or community and does not apply to the common or public areas found in the complex or community.

"Photosensitizing agent" means any food, drug, cosmetic, toiletry or other substance, whether ingested or topically applied, that may induce hypersensitivity of an individual to exposure to the sun or other sources of ultraviolet radiation, resulting in inflammation of the skin and its underlying structures, often accompanied by edema.

"Protective eyewear" means eyewear that has been designed and tested in accordance with 21 CFR 1040.20. The protective eyewear shall allow for the required protection to ultraviolet radiation while also allowing for adequate vision to maintain balance and to locate the tanning equipment's "emergency cut-off" switch.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Department, and who is obligated to obtain the permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

*"Tanning equipment" means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living body* (Section 5 of the Act) and *equipment that emits ultraviolet (UV) radiation used for tanning of the skin, such as a sunlamp, tanning booth, or tanning bed that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers. "Tanning equipment" includes*, but is not limited to, *any accompanying equipment, such as protective eyewear, timers, and handrails* (Section 25(g)(2) of the Act) as well as, protective barriers, warning labels, recommended exposure schedules, and recommended exposure distances. Tanning equipment shall be manufactured in accordance with 21 CFR 1040.20.

*"Tanning facility" or "tanning facilities" means a room or a booth or a group of rooms or booths,* or a structure or business *that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area*. (Section 5 of the Act)

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)