

State regulations for indoor tanning could lead to a national regulatory framework

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A national regulatory framework designed to prevent and limit indoor tanning is needed to alleviate the cancer burden and reduce the billions in financial costs from preventable skin cancer, say two Georgetown University public health experts.

In their "Viewpoint" published online today in *JAMA*, Darren Mays, PhD, MPH, and John Kraemer, JD, MPH, explore a regulatory opportunity—similar to the way toy safety standards were achieved—that could help drive strong, national policies regarding indoor tanning.

According to "The Surgeon General's Call to Action to Prevent Skin Cancer," skin cancer is the most common malignancy in the U.S. with nearly four million cases diagnosed each year, costing consumers \$8 billion annually in treatment, lost work time and other costs. Estimates indicate indoor tanning causes ten percent of skin cancer diagnoses in the U.S.

"In the U.S. population, indoor tanning is most common among adolescents and young adults, particularly young women," the authors say, and they point out that melanoma, the most deadly form of skin cancer, is among the most commonly diagnosed cancers among young women ages 15 to 39.

In 2014, the U.S. Food and Drug Administration published a new rule changing indoor tanning machines to class II devices. As a class II

device, manufacturers are now required to submit a premarket notification before tanning devices are available for consumer use. But Mays and Kraemer say the FDA could have done more to leverage its authority for a stiffer regulatory framework.

"The indoor tanning device regulations are not commensurate to those of other regulated products that are known carcinogens with very little or no therapeutic benefit," the authors argue.

Mays and Kraemer recognize a lack of momentum to spur change nationally, but they say a regulatory opportunity is emerging at the state level.

More than 40 states and several county and local governments have implemented policies such as age restrictions or parental permission requirements targeting indoor tanning among minors, but specific policies vary, the authors write.

"This means that state legislatures could create conflicting safety standards—or through products liability suits require conflicting design features—which could serve two purposes."

State standards would improve the health of citizens. But the authors say that varying state regulations would also likely increase uncertainty and compliance costs for manufacturers, who would have to comply with differing standards in different locations.

"This could encourage the tanning industry to favor federal regulation, trading regulatory requirements for certainty—an approach that has been previously used to create national toy safety standards and an underlying basis for uniform national auto safety standards," explain Mays and Kraemer.

Such legislation "may produce comprehensive national policies to prevent and reduce [skin cancer](#) caused by [indoor tanning](#) comparable to those for other cancer risk behaviors," the authors conclude.

Provided by Georgetown University Medical Center

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