

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC HEALTH AND
HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 15, 2013
10:25 a.m.

PRESENT:

COUNCILWOMAN MARIAN B. TASCO, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY

BILL 130057 - An ordinance amending Title 6 of
The Philadelphia Code, entitled "Health Code,"
by adding a new Chapter providing for the
regulation of tanning facilities; amending
Section 6-102, by adding definitions; and
making technical changes, all under certain
terms and conditions.

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COUNCILWOMAN TASC0: Good

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morning. The Committee on Public Health

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and Human Services will come to order.

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Let me recognize that we have a quorum in

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the presence of Councilman Greenlee,

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Councilman Kenney, and Councilman Jones.

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We ask the Clerk to please read

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the bill.

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THE CLERK: Bill No. 130057,

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amending Title 6 of The Philadelphia

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Code, entitled "Health Code," by adding a

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new Chapter providing for the regulation

14

of tanning facilities; amending Section

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6-102, by adding definitions; and making

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technical changes, all under certain

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terms and conditions.

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COUNCILWOMAN TASC0: Thank you

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very much.

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This bill has been introduced

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by Councilman Greenlee, so I call on

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Councilman Greenlee for some opening

23

remarks.

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COUNCILMAN GREENLEE: Thank you

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very much, Madam Chair. First, I want to

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2 give credit to my Legislative Director,
3 Noelle Marconi, for bringing this matter
4 to my attention.

5 Problems with indoor tanning
6 facilities have been in the news
7 periodically, but particularly lately.
8 It's a documented fact that the risk for
9 melanoma, the deadliest form of skin
10 cancer, is on the rise, and the risk of
11 melanoma is 75 percent higher in people
12 who use indoor tanning facilities.

13 This bill puts forth some very
14 reasonable warnings for all people using
15 indoor tanning and some reasonable
16 restrictions for minors, including the
17 permission of a parent or legal guardian.

18 And, Madam Chair, if I could, I
19 want to put in the record a letter from a
20 young woman named Ami Gallo, and I'll
21 just read just a couple parts of it that
22 kind of bring the issue to the fore here.

23 My name is Ami Gallo. I am a
24 29-year-old woman who has been diagnosed
25 with melanoma on two different occasions.

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2 I had skin excised from my right arm
3 above my elbow and my left leg, right
4 above the ankle. I now have two large
5 permanent scars on my body that remind me
6 of the fact that I survived cancer twice
7 at age 28.

8 A 15-minute session in a
9 tanning bed is equivalent to being in the
10 sun all day long. The fact that UV rays
11 are blasting your skin with such high
12 concentration is frightening.

13 Had I needed parental consent
14 when first going tanning at age 17, I do
15 not think that I would have received it,
16 and for good reason. With all the
17 existing research on the danger of
18 tanning, I fail to understand why
19 parental consent is still not required.

20 Even the most mature teenagers
21 do not always consider future
22 repercussions and do not make decisions
23 accordingly. Even the most intelligent
24 teenage girls are often more concerned
25 about looking good or following the

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2 crowd. Does this make it okay for them
3 to use such a potentially harmful
4 decision? Not in my opinion. It is time
5 for increased regulations regarding
6 tanning bed usage, and that means
7 parental consent for minors. It is up to
8 us to look out for our future and to stop
9 the skin cancer epidemic in young girls.
10 I wish someone had done that for me.

11 I think that says it all, Madam
12 Chair. I hope this Committee sees fit to
13 move this legislation forward.

14 Thank you very much.

15 COUNCILWOMAN TASC0: Thank you.
16 Thank you very much. Thank you for your
17 leadership on this issue.

18 The Chair recognizes for
19 testimony Dr. Palak Raval-Nelson.

20 (Witness approached witness
21 table.)

22 COUNCILWOMAN TASC0: Would you
23 state your name for the record, please,
24 and begin your testimony.

25 DR. RAVAL-NELSON: Sure will.

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2 Dr. Palak Raval-Nelson, Director of
3 Environmental Health Services for the
4 Health Department of Philadelphia.

5 Good morning, Councilwoman
6 Tasco and members of the Committee on
7 Public Health and Human Services. I am
8 Palak Raval-Nelson, Director of
9 Environmental Health Services Division of
10 the Department of Public Health. Thank
11 you for the opportunity to testify about
12 Bill 130057, which was introduced by
13 Councilman Greenlee and amends certain
14 sections of Title 6, the Health Code of
15 Philadelphia, by providing regulations of
16 tanning facilities.

17 Bill 130057 establishes the
18 requirements for tanning salons to
19 provide written customer warnings about
20 the possible harmful health effects of
21 using tanning equipment or devices. The
22 bill also prohibits any person under the
23 age of 18 from using the tanning
24 equipment or device in a tanning facility
25 on any occasion unless he or she has the

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2 permission of and is accompanied by a
3 parent or legal guardian. In addition,
4 the bill requires a physician's written
5 permission for any child under the age of
6 14 years of age.

7 The Department of Public Health
8 supports the passage of this bill. The
9 use of tanning lamps increases the risk
10 of skin damage, skin cancer, eye injury,
11 according to the Food and Drug
12 Administration. The American Cancer
13 Society reports that prolonged use of
14 tanning salons can lead to the
15 development of melanoma, the deadliest
16 form of skin cancer, and the second most
17 common cancer for young adults 15 to 29
18 years of age. Long-term exposure to
19 tanning lamps is dangerous to a person's
20 health, so it is critical to minimize the
21 exposure by limiting minors' use of
22 tanning salons and providing adequate
23 customer warnings about the dangerous
24 health effects.

25 Thank you for this opportunity

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2 to present testimony on this bill.

3 COUNCILWOMAN TASC0: Thank you
4 very much for your testimony.

5 Are there questions?

6 (No response.)

7 COUNCILWOMAN TASC0: Thank you.

8 DR. RAVAL-NELSON: Thank you.

9 COUNCILWOMAN TASC0: Next we
10 have Dr. Bruce Brod, American Academy of
11 Dermatology Association and the
12 Pennsylvania Academy of Dermatology and
13 Dermatologic Surgery.

14 (Witness approached witness
15 table.)

16 COUNCILWOMAN TASC0: Please
17 state your name for the record and
18 proceed.

19 DR. BROD: Thank you. My name
20 is Dr. Bruce Brod. I'm a dermatologist,
21 board-certified dermatologist, on staff
22 at the University of Pennsylvania
23 Department of Dermatology.

24 Thank you, Madam Chair and
25 distinguished members of the Committee on

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2 Public Health and Human Services, for the
3 opportunity to provide testimony in
4 support of Bill No. 130057. As
5 Councilwoman Chair Tasco said, I'm here
6 representing the American Academy of
7 Dermatology Association, which most
8 dermatologists in the United States are
9 members of, and also our state society,
10 the Pennsylvania Academy of Dermatology
11 and Dermatologic Surgery.

12 Today's discussion on Bill No.
13 130057 is to require parental consent for
14 minors and a written warning statement.
15 And I have to say, this is really -- this
16 is very timely. May is really an ideal
17 time to discuss this. It's prom season.
18 This is just the time of year that droves
19 of high school students are going to
20 tanning salons so they can look good for
21 the prom. That's really all they're
22 thinking about. In their mind, they will
23 naturally minimize the dangers of
24 developing skin cancer down the line for
25 immediate beauty. And this past week, we

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2 heard a lot of press about this. The FDA
3 issued a proposal to reclassify tanning
4 beds from a low Level 1 to a higher level
5 classification device, and also the
6 requirement, if that goes through, will
7 be a warning statement that tanning is
8 not recommended for minors.

9 The causal relationship between
10 indoor tanning and melanoma has been
11 confirmed. There's been a tremendous
12 amount of data recently that shows that
13 UV exposure from a tanning salon is
14 linearly related to melanoma, and that
15 starts early, so that the risk is even
16 higher if people start tanning at a
17 younger age than 35. There's other
18 cancers too that can be increased, basal
19 cell carcinoma, which is one of the most
20 common forms of skin cancer. There was
21 an alarming study in 2011 that found that
22 tanners in tanning salons have a 69
23 percent increased risk of developing
24 basal cell carcinoma, and it's
25 disfiguring. And that risk is even

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2 higher when tanning is started before the
3 age of 16. So I think this bill would
4 really be a big help for that younger age
5 group.

6 And when it comes to the
7 deadliest form of skin cancer, melanoma,
8 studies have shown that people who use
9 tanning beds even a moderate amount are
10 significantly at increased risk for
11 developing melanoma. Melanoma is
12 serious. One person dies every hour in
13 the United States from melanoma. And
14 just -- I've been in practice now about
15 20 years, and when I first started, the
16 typical patient with melanoma that I saw
17 and that was seen at the Penn Pigmented
18 Lesion Clinic, which sees thousands of
19 patients a year, was a middle aged or
20 older man with melanoma on the back.
21 Certainly devastating. And I can tell
22 you the demographic has really changed,
23 so that now it's very common to see the
24 melanoma patient walking in that's a
25 young woman with melanoma on the leg or

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2 melanoma in an area of skin that wouldn't
3 normally be exposed to the sun. And we
4 think really the only reasonable
5 explanation -- the data supports that --
6 is tanning salons. It's the most common
7 form of cancer in adults, young adults,
8 25 to 29, the second most common form of
9 cancer in adolescents to young adults.

10 Over a quarter of teens use
11 tanning salons by the age of 17. The
12 thing to keep in mind is, sometimes we
13 see things on TV and the tanning moms and
14 things like that, and those things are
15 hugely important, because it brings
16 public awareness. But the thing I want
17 to remind members of the Committee is
18 that the Department of Health and Human
19 Services has classified it as
20 carcinogenic. The World Health
21 Organization has classified it as a Class
22 1 carcinogen. That's the UV light from
23 indoor tanning salons. The same category
24 as cigarettes, asbestos, and actually
25 plutonium.

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2 A recent survey by the American
3 Academy of Dermatology found that young
4 tanning bed users 14 to 17 don't think
5 that tanning salons are dangerous. They
6 think they're safer than the sun, and
7 it's just not true.

8 So legislative action sends a
9 powerful message. I think this bill will
10 go a long way to remind the public that
11 all purposeful tanning, whether it's
12 indoor or outdoor, is an unhealthy
13 practice. The risk to tanning just
14 aren't well understood by the general
15 public, and much of this confusion comes
16 from the tanning industry's aggressive
17 marketing practices. They give a lot of
18 false information. I think one of the
19 most telling reports was from the House
20 Energy and Commerce Committee. They
21 found that the industry targeted
22 specifically teenagers in their ads. The
23 salons denied health risks and provided
24 false health benefits.

25 The problem is, you can't

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2 regulate everything. I understand that.
3 People go outdoors. But we live in
4 Philadelphia. People can't access the
5 sun in January, February, March; just
6 during the summer months. Tanning beds,
7 especially the teens, allow them to
8 access dangerous light on a 12-month
9 basis.

10 To put it in perspective, the
11 problem in Philadelphia is big. The
12 number of tanning salons in Philadelphia
13 is twice the average number of salons in
14 the largest U.S. cities. There's more
15 tanning salons in Philadelphia than there
16 are Starbucks and McDonald's combined,
17 and we see them on every corner.

18 So I think public health
19 policies protect children. We have
20 policies that protect children from
21 tobacco. We have laws about that, but to
22 me, it's inconceivable that we don't
23 attempt to limit children from engaging
24 in indoor tanning. I think a line from
25 the New England Journal article summed it

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2 up well when it said that if we regulate
3 this industry, the indoor tanning
4 industry, it has the potential to offer
5 one of the most profound cancer
6 prevention opportunities of our time.

7 So in closing, on behalf of the
8 American Academy of Dermatology and the
9 Pennsylvania Academy of Dermatologic
10 Surgery, I urge you to pass Bill No.
11 130057.

12 Thank you for your
13 consideration of this important issue.

14 COUNCILWOMAN TASC0: We thank
15 you for taking time to come down to
16 testify about this issue.

17 Councilman Greenlee.

18 COUNCILMAN GREENLEE: Thank
19 you, Madam Chair.

20 Just very quickly, I also want
21 to say thank you both to Dr. Brod, if you
22 could just stay there one second, and to
23 Dr. Palak Raval-Nelson.

24 But just one question so I make
25 sure I heard you right. We were talking

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2 before the hearing. I think you said
3 that Pennsylvania and Alabama are the
4 only two states that don't have some
5 regulations on this on the east side of
6 the United States; is that right?

7 DR. BROD: That is right, yeah.
8 Because West Virginia recently passed.
9 We were there shoulder to shoulder with
10 West Virginia until about a week ago.

11 Thirty-nine states and there's
12 a number of municipalities have laws
13 against tanning. City of Chicago has --
14 Illinois doesn't have strong regulation,
15 but Chicago and Springfield, Illinois
16 took the lead in that state and passed
17 tanning regulations.

18 COUNCILMAN GREENLEE: Thank
19 you. Thank you very much.

20 Thank you, Madam Chair.

21 COUNCILWOMAN TASC0: Let the
22 Chair recognize that Councilman Henon --
23 were you here for the Committee? Oh,
24 you're early for your next hearing.
25 Thank you. Excuse me.

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2 Well, thank you again.

3 Councilman Kenney.

4 COUNCILMAN KENNEY: Thank you
5 very much, Madam Chair.

6 Doctor, is there a product or
7 tanning process that is not unhealthful,
8 spray tanning, rub-on cream tanning? Are
9 they as dangerous or are they an
10 acceptable kind of replacement for the
11 tanning bed?

12 DR. BROD: That's a very good
13 question. So, first of all, we think
14 there's no safe UV tanning, indoor
15 tanning. It's dangerous. It produces
16 DNA damage. The spray tans are a good
17 alternative and the lotion tans and the
18 rub-on tans are a good alternative.
19 Products look a whole lot better these
20 days. Yes, they're temporary, but so is
21 tanning from the sun too. We think like
22 anything in moderation, but, yeah, we
23 think that's an excellent alternative.

24 COUNCILMAN KENNEY: I guess the
25 parent of a teenager is looking for an

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2 alternative. I mean, be willing to pay
3 for the spray tan in a spray tanning
4 booth as opposed to letting them get in
5 under the tanning bed. So if you give --
6 sometimes teenagers, as you know, are
7 hard to control and direct, but if you're
8 giving them an option, that may be a good
9 option, as long as -- that's why I asked
10 you is that a safe option.

11 DR. BROD: We think it's a safe
12 option, yes.

13 COUNCILMAN KENNEY: Good.
14 Thank you.

15 COUNCILWOMAN TASC0: Let me ask
16 you a question about the relationship of
17 the tanning bed to the sun if you're on
18 the beach. Is there any correlation
19 between that or is this tanning bed
20 structure different that causes problems?
21 The sun does cause problems also.

22 DR. BROD: So, yes. We think
23 any UV light has the ability to increase
24 the risk for skin cancer. The tanning
25 beds emit two types of light, both of

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2 which come from the sun. The sun emits
3 all sorts of light, but the two main
4 forms of light from indoor tanning are
5 called UVA light, which is mostly with
6 the beds, and that causes free radicals
7 to form in the skin, and UVB light, which
8 is what causes burning in the skin. Most
9 tanning salons have both. So it does
10 mimic, it is analogous to the UV
11 radiation that comes from the sun. The
12 thing with the tanning salon is, it's
13 much more intense. So 15 minutes, just
14 to put it in perspective, in a tanning
15 salon is like being out in the midday sun
16 here in Philadelphia probably about four
17 or five hours on a noon day. So it's the
18 same, but it's delivered very quickly and
19 very efficiently, and kids can do it
20 after school in a few minutes and get
21 that amount of damage.

22 COUNCILWOMAN TASCO:

23 Councilman.

24 COUNCILMAN KENNEY: Madam

25 Chairwoman, I must say I did that once in

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2 a stand-up tanning bed for 15 minutes. I
3 was -- I thought I died. I mean, I
4 looked like a lobster, number one, and,
5 number two, I was in pain for like two
6 weeks. I mean, it was the most
7 eye-opening experience that I will never
8 do again. And actually the thing was,
9 where I did it, there was no supervision
10 and there was no advice. I got in the
11 equipment and turned 15 minutes, and if
12 you look at me, Councilman Greenlee, and
13 my complexion, 15 minutes in there is
14 like getting into a boiling lobster pot.
15 And you learn the hard way, because I
16 would never even go near it again. So it
17 was a great experience that was.

18 DR. BROD: We'll have a
19 standing appointment for you at the Penn
20 Dermatology Clinic.

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 DR. BROD: And they've done
24 surveys. There have been large survey
25 studies, because the industry often says,

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2 Well, this is a good alternative because
3 it prevents burns, and there's a lot of
4 mythology in that statement as well, but
5 the fact of the matter is, half the
6 people who go into tanning salons at some
7 point get a bad burn anyway from the
8 salons. So it doesn't prevent burning,
9 and it's associated with sunburning as
10 well.

11 COUNCILWOMAN TASC0: Okay. Any
12 other questions or comments?

13 (No response.)

14 COUNCILWOMAN TASC0: Thank you
15 very much for your testimony.

16 DR. BROD: Thank you, Madam
17 Chair.

18 COUNCILWOMAN TASC0: Is there
19 anyone else here to testify on this bill?

20 (No response.)

21 COUNCILWOMAN TASC0: There
22 being none, we will close out this
23 hearing and go into our public meeting.

24 The Chair recognizes Councilman
25 Greenlee to report Bill No. 130057 out of

1 5/15/13 - PUBLIC HEALTH - BILL 130057
2 Committee with a suspension of the rules.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair. I move that Bill No.
5 130057 be reported out of this Committee
6 with a favorable recommendation and that
7 the rules of Council be suspended to
8 allow for first reading at our next
9 session of Council.

10 (Duly seconded.)

11 COUNCILWOMAN TASC0: It has
12 been moved and properly seconded that
13 Bill 130057 be reported out of Committee
14 with a favorable recommendation and that
15 a request for the rules of Council to be
16 suspended so this bill can be heard at
17 Council's next session.

18 All in favor?

19 (Aye.)

20 COUNCILWOMAN TASC0: Is there
21 any opposition?

22 (No response.)

23 COUNCILWOMAN TASC0: There
24 being none, the motion is carried, and
25 this meeting is adjourned.

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2 Thank you.

3 (Committee on Public Health and
4 Human Services concluded at 10:40 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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