

**641—46.3(136D) Exemptions.** The department may, upon application or its own initiative, grant exemptions from these rules as long as it will not result in undue hazard to public health and safety. The following categories of devices are exempt from the provisions of this chapter:

**46.3(1)** Devices intended for purposes other than the deliberate exposure of human skin to ultraviolet radiation that produce or emit ultraviolet radiation incidental to their proper operation.

**46.3(2)** Tanning devices that are limited exclusively to personal use by an individual and the individual's immediate family. Multiple ownership of the device by persons for personal use only does not qualify it for the "personal use only" exemption.

**46.3(3)** Phototherapy devices used by a properly trained health care professional in the treatment of disease.

[ARC 7834C, IAB 4/17/24, effective 5/22/24]