

.....

Guide to the Nova Scotia

TANNING BEDS ACT &
TANNING FACILITIES
REGULATIONS

for Tanning Bed Owners

.....



Important

The Nova Scotia Department of Health and Wellness is providing this booklet to owners of tanning facilities in order to promote understanding of the legislation regarding tanning equipment in Nova Scotia.

Definitions

In the Tanning Beds Act, **“tanning equipment”** is defined as ultraviolet (UV) or other lamps intended to induce skin tanning through irradiation of any part of the living body with ultraviolet radiation and equipment containing such lamps, including ballasts, starters, reflectors, acrylic shields, timers and airflow cooling systems.

An **“owner”** means a person, firm, corporation or unincorporated body that owns or operates a tanning facility.

A **“tanning facility”** is defined as any location, place, area, structure, or business that provides customers access to tanning equipment in exchange for compensation.

Highlights of the Nova Scotia *Tanning Beds Act* & Tanning Facilities Regulations

The *Tanning Beds Act* & Tanning Facilities Regulations state that:

- No one that owns or operates a tanning facility shall sell access to tanning equipment to a person under the age of nineteen (19) years
- Any individual who violates this law is liable to a fine of up to \$2,000
- Any retailer who sells tanning services to persons under 19 is guilty of an offence and liable to the following penalties:
 - First Offense:** A fine of up to \$2,000 and no selling access to tanning equipment for 7 days
 - Second Offense:** A fine of up to \$5,000 and no selling access to tanning equipment for 3 - 6 months
 - Third Offense:** A fine of up to \$10,000 and no selling access to tanning equipment for 12 - 24 months
- Retailers are required to display three (3) types of Warning Signs, which are described below.

Signage

Under the Tanning Facilities Regulations, retailers are required to place three (3) separate types of signs, shown below.

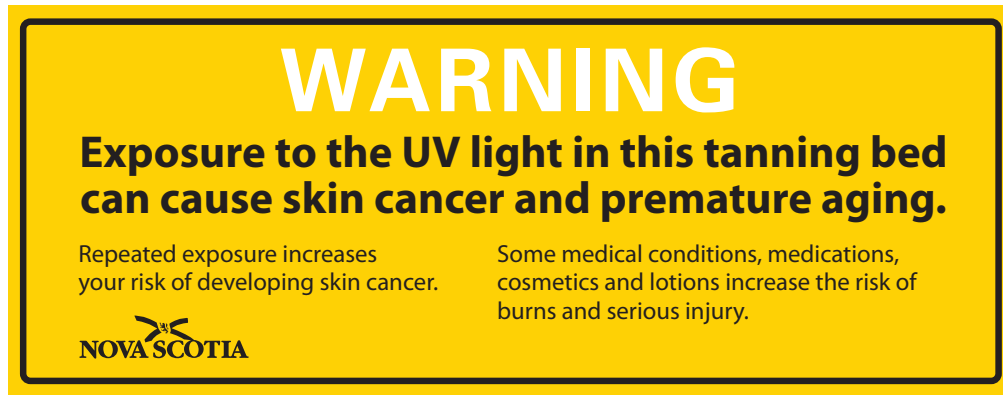
Point of Sale Warning Sign

A Point of Sale Warning Sign must be displayed within 1 metre of each cash register where tanning services may be sold. They must be clearly visible to the customer and the employee at the point of purchase.



Health Warning Sign

A Health Warning Sign must be displayed within 1 metre of each piece of tanning equipment. They must be clearly visible so the customer can easily view the sign before using tanning equipment.



Door Decal

A Door Decal must be posted at each customer entrance to the facility, or within 1 metre of each entrance if unable to post on entrance door. They must be clearly visible to any person approaching the tanning facility.



Questions & Answers about the *Tanning Beds Act* & Tanning Facilities Regulations

Q: What is the purpose of the Tanning Beds Act?

A: In light of the risks associated with the use of tanning equipment, the purpose of this Act is to protect the health of Nova Scotians, in particular young persons, by restricting their access to tanning equipment in tanning facilities. Nova Scotia has some of the highest skin cancer rates in the country. In 2009, the International Agency for Research on Cancer classified UV light from tanning beds as a human carcinogen.

Q: Why set the age limit to youth under 19 years of age?

A: Setting the age limit at 19 is consistent with other laws in Nova Scotia, like tobacco and alcohol. We want to reach this age group before they have a chance to adopt unhealthy behaviors which can have negative health impacts later in life. Studies show that when you tan before age 30, you increase your risk of getting skin cancer.

Q: As a retailer, what does this legislation mean to me?

A: The Tanning Beds Act, which came into effect on May 31, 2011, makes it illegal for you and your employees to sell access to tanning equipment to any person under the age of 19 years. The Act and Regulations also require you to post warning signs in your business.

Q: Do I have to ask for proof of age?

A: Yes. If the person is or looks to be under the age of 19, you must ask for photo ID.

Q: If someone under 19 wants to purchase a spray-on tan, am I allowed to sell it to them?

A: Yes. The Act only bans youth under 19 from using tanning equipment like ultraviolet or other lamps, or equipment containing such lamps, like tanning beds.

Q: Can I sell UV tanning services to youth under 19 if they have parental consent? What if they have a medical condition and a note from their doctor?

A: No. This law prohibits the sale of UV tanning services to anyone under 19 years of age no matter what the reason. Medical conditions and treatments should be handled by a medical professional.

Q: Am I allowed to employ people who are under 19 years of age?

A: Yes. Owners should be aware that with youth staff, peer pressure may play a role in whether or not an employee will sell tanning services to other minors. It will be important to educate your staff on the law and make sure they understand the requirements and penalties. Owners are responsible for the actions of their staff.

Q: As a retailer, what signs am I required by law to post?

A: All retailers who sell UV tanning services must post the following warning signs provided by the Department of Health and Wellness:

Point of Sale Warning Sign (Schedule A of the Tanning Facilities Regulations).

This sign must be displayed within 1 metre of each cash register where UV tanning services may be sold.

Health Warning Sign (Schedule B of the Tanning Facilities Regulations). This sign must be displayed within 1 metre of each piece of UV tanning equipment.

Door Decal (Schedule C of the Tanning Facilities Regulations). This sign must be placed on the entrance of each door to the facility, or within 1 metre of the entrance if the door is not visible when the facility is open.

Q: Where can I get these signs?

A: If you require signage for your facility contact the Department of Health & Wellness at, 1-800-565-3611, or by email nstanningregs@gov.ns.ca .

Q: I have tanning beds in my facility but I didn't receive any signs.

A: If you have tanning beds in your facility and you did not receive a package in the mail with signs, please contact the Department of Health & Wellness at, 1-800-565-3611, or nstanningregs@gov.ns.ca as soon as possible.

Q: Are there any other restrictions on the type of advertising/marketing that I can display in my facility?

A: The Act and the regulations don't prohibit or regulate how an owner markets or advertises the sale or use of tanning equipment, as long as the owner posts the necessary warning signs per the regulations.

Q: What are the penalties for violating the Tanning Beds Act and Tanning Facilities Regulations?

A: Any retailer who sells UV tanning services to persons under 19 is guilty of an offence and liable to the following penalties:

First Offence - A fine of up to \$2,000 and no selling tanning services for 7 days;

Second Offence - A fine of up to \$5,000 and no selling tanning services for 3-6 months;

Third Offence - A fine of up to \$10,000 and no selling tanning services for 12-24 months.

Who do I contact if I have more questions about the *Tanning Beds Act* and Regulations and its application?

For general information or questions about the *Tanning Beds Act* and Regulations, please visit www.gov.ns.ca/DHW or email: nstanningregs@gov.ns.ca or call 1-800-565-3611.