Tanning Beds Compliance Protocol, 2014
Preamble
The Ontario Public Health Standards (OPHS)\(^1\) are published by the Minister of Health and Long-Term Care under the authority of the *Health Protection and Promotion Act* (HPPA)\(^2\) to specify the mandatory health programs and services provided by boards of health. Protocols are program and topic specific documents which provide direction on how boards of health must operationalize specific requirement(s) identified within the OPHS. They are an important mechanism by which greater standardization is achieved in the province-wide implementation of public health programs.

Protocols identify the minimum expectations for public health programs and services. Boards of health have the authority to develop programs and services in excess of minimum requirements to address local needs. Boards of health are accountable for implementing the standards including those protocols that are incorporated into the standards.

Purpose
The purpose of this protocol is to provide direction to boards of health. Boards of health shall support the implementation and enforcement of the Skin Cancer Prevention (Tanning Beds) Act\(^3\) (“the Act”) including all the requirements with respect to:

- Sale, advertising and marketing of tanning services to anyone under age 18,
- Tanning without the presence of an attendant (self-tanning),
- Advertising and marketing targeted at anyone who is less than 18 years old, including false advertising/marketing,
- Posting required signage:
  - Point of sale warning sign;
  - Health warning sign;
  - Age restriction and identification decal; and
  - Employee reminder decal,
- Protective eyewear and instruction on its use, and
- Notification by tanning bed operators of their business name, address and telephone number to their local medical officer of health.

Regulations under the Act which are relevant to this protocol include:

- Ontario Regulation 99/14\(^4\) Skin Cancer Prevention Act (Tanning Beds) 2013
- Ontario Regulation 100/14\(^5\) (Provincial Offences Act) R.S.O. 1990, c. P. 33
Reference to the Standards

Within the Chronic Disease Prevention Standard one of the board of health outcomes states “tanning bed operators are in compliance with the Skin Cancer Prevention Act (Tanning Beds), 2013”.

Table 1: identifies the OPHS standards and requirements to which this protocol relates.

<table>
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<th>Standard</th>
<th>Requirement</th>
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| Chronic Disease Prevention    | Requirement #14: The board of health shall implement and enforce the Skin Cancer Prevention Act (Tanning Beds) 2013 in accordance with provincial protocols, including but not limited to the Tanning Beds Compliance Protocol, 2014 (or as current).  
                                  | Footnote 9 states: “This shall include, but not be limited to: inquiries into all complaints under the Skin Cancer Prevention Act (Tanning Beds), 2013; maintenance of inspection records; and provision of the Skin Cancer Prevention Act (Tanning Beds) education and information to vendors and to the community.” |

Operational Roles and Responsibilities

1) Inspection

All tanning bed operators may be subject to an inspection in locations where tanning services or ultraviolet light treatments for tanning are offered for sale, sold or provided for consideration, including, but not limited to tanning salons, beauty salons, and gyms. Enforcement will be complaints driven and conducted during operating hours. Boards of health are responsible for responding to all complaints and shall conduct inspections to determine non-compliance and take appropriate action.

2) Signs

Based on complaints, boards of health are required to inspect for compliance with the signage provisions applicable under the Skin Cancer Prevention Act (Tanning Beds), 2013. Signs will be provided by the ministry to public health units. Signs are also available on-line at: www.ontario.ca/uvrsmart.

As referenced in ss. 5(a), 5(b) and 5(c) of the Act and prescribed in s.5 of Ontario Regulation 99/14 under the Act, signage shall be posted on the front door of the tanning establishment, at the point of sale – one facing the customer and one facing the employee, and in all rooms where tanning beds are located as specified below.

Point of Sale Warning Sign

This sign must be clearly visible, legible and located within one metre of the point of sale, to warn potential users of the dangers associated with ultraviolet (UV) radiation and that tanning for anyone under 18 years old is prohibited.
Health Warning Sign
This is a smaller version of the Point of Sale Warning Sign that will be posted and clearly visible, legible and within one metre of each piece of tanning equipment to warn potential users of the dangers associated with ultraviolet radiation.

Age Restriction and Government I.D. Sign
This sign must be clearly visible, legible, and located on the front door to indicate that anyone under the age of 18 is not allowed to use tanning beds and that anyone under age 25 must show identification.

Employee Reminder Sign
This sign must be clearly visible and legible to anyone who sells or supplies the tanning services and ultraviolet light treatments for tanning at point of sale to remind them that individuals under 18 are restricted from tanning bed use and that they must ask for identification from anyone who appears to be under 25 years of age.

3) Enforcement Activity
An effective compliance strategy employs a balance of inspection, education and progressive enforcement. Progressive enforcement means the use of more stringent charging options to reflect the frequency and severity of the level of non-compliance.

Enforcement activities include inquiries into complaints and education visits. Determination of compliance will be made subject to these types of enforcement activities.

4) Data Collection and Reporting
The board of health collects and maintains up-to-date inspection and enforcement data using the tanning inspection form as provided by the ministry. A record of every enforcement activity conducted for the purpose of determining compliance with the *Skin Cancer Prevention Act (Tanning Beds)*, 2013 including education visits and complaints based inspections should be kept.

5) Notice of Operation
Notice of Operation must be given to the Medical Officer of Health for those offering tanning services or ultraviolet light treatments for tanning. The board of health is required to maintain a list of tanning bed operators, their business name, address and telephone number.

6) Advertising and Marketing to Youth
Any advertising or marketing of tanning services or treatments directed to persons under age 18 that make false or misleading health claims about tanning services or ultraviolet light treatments for tanning is prohibited. A prohibited health claim includes, but is not limited to a statement that promotes artificial tanning as beneficial to one’s health (for example, as a means of obtaining Vitamin D, or as a means of obtaining a base tan.)

No advertisements should be placed in media, electronic or otherwise, that include images targeted to youth under age 18 or contain images in advertisements that portray/use youth under 18 years of age in advertisements, campaigns or strategies to market tanning services. Promotional materials that are attractive to youth under age 18, such as tanning bed stickers or accelerants that attract youth to tanning services, especially at point of sale, through
giveaways, or promotional items are not allowed. Advertisements are not permissible in youth magazines, youth websites, in or near elementary and high schools, or other venues that are frequently used or accessed by youth.

**Authority of an Inspector**

The Minister of Health and Long-Term Care (MOHLTC) appoints inspectors for the purposes of the Act. (s. 8). Medical Officers of Health have discretion to select and nominate staff to be designated as inspectors under the *Skin Cancer Prevention Act (Tanning Beds), 2013* (e.g. Public Health Inspectors, Public Health Nurses, Health Promoters etc.).

An inspector may, at any reasonable time, enter any premises where tanning bed use or ultraviolet light treatments for tanning are provided or sold to determine whether the operator is in compliance with the *Skin Cancer Prevention Act (Tanning Beds), 2013*, and for this purpose, may make such examinations and inquiries as are necessary.

Any person who contravenes any provision of the *Skin Cancer Prevention Act (Tanning Beds), 2013* or its regulations, or who hinders, obstructs or otherwise interferes with an inspector in the conduct of his/her duties is guilty of an offence. Warnings or fines can be issued where a Minister appointed inspector finds a violation of the Act or its regulations (short form wording as per Ontario Regulation 100/146).

For a comprehensive list of inspector authority and powers refer to Section 8 of the Skin Cancer Prevention Act (Tanning Beds), 2013.

**7) Education and Training**

The board of health shall ensure that the appointed inspectors designated under the Act are trained in accordance with MOHLTC sanctioned training within one year of appointment.

**Definitions**

**Progressive Enforcement:** means the use of more stringent charging options to reflect the frequency and severity of the level of non-compliance.

**Enforcement Agency:** means a Public Health Unit, Regional Health Department, or other agency/organization mandated with enforcement of the Act.

**Ministry:** means the Ministry of Health and Long Term Care.

**Inspection:** means an examination or assessment conducted by a person appointed as an inspector pursuant to Section 8 of the Act, and also appointed as a Provincial Offences Officer.

**Inspector:** means a person appointed as an inspector pursuant to Section 8 of the Act, and also appointed as a Provincial Offences Officer pursuant to the Ontario Provincial Offences Act.
References


3. *Skin Cancer Prevention Act (Tanning Beds)*, S.O. 2013, Ch. 5 http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_13s05_e.htm


