

Guide for Commercial Tanning Bed Owners and Tanning Salon Operators in New Brunswick

Artificial Tanning Act

Definitions

"artificial tanning" means tanning induced by the use of tanning equipment.

"commercial tanning operation" means a business or undertaking in which the use of tanning equipment is permitted.

"inspector" means a person designated as an inspector under section 6 of the *Artificial Tanning Act*.

"Minister" means the Minister of Health and includes any person designated by the Minister to act on the Minister's behalf.

"operator" means the owner of a commercial tanning operation and includes the person who manages or controls a commercial tanning operation.

"tanning equipment" means a device that can be equipped with one or more ultraviolet lamps and induces skin tanning or other cosmetic effects but does not include any such device that is used solely in the production of therapeutic effects for medical purposes.

"UV" means ultraviolet light.

Warning:

In case of discrepancy between the text in this document and the text of the *Artificial Tanning Act*, the text from the Act shall prevail.

Highlights of the New Brunswick *Artificial Tanning Act*

The Act states that:

19 years old:

No one who owns or operates a commercial tanning operation shall permit a person under 19 years old:

- to use UV tanning equipment,
- to have access to a room where artificial tanning UV equipment is installed.

Any person who violates this section of the Act is liable to a fine up to \$5,200.

Signs:

Signs provided by the Minister have to be posted visibly and prominently.

Failure to post these signs makes the owner/operator liable to a fine up to \$640.

Advertisements:

Commercial Tanning operations are prohibited from making direct or indirect advertisements:

- directed at people under 19 years of age,
- that relate to artificial tanning as a means of obtaining Vitamin D,
- that relate to a preparation tan ("base tan") prior to a trip to a sunny destination,
- that make any false or misleading impression of beneficial health effects from artificial tanning.

Any person who violates this section of the Act is liable to a fine up to \$5,200.

Mandatory Health Warning Signs

Door Decal

Door Decals must be posted on each entrance to the facility. These decals must be clearly visible and unobstructed.

WARNING

- You must be 19 years of age to use UV tanning equipment in this facility.
- Exposure to UV light from tanning beds can cause skin cancer and premature skin aging.

Proof of age will be required before using UV tanning equipment.

AVERTISSEMENT

- Vous devez avoir 19 ans pour utiliser l'équipement de bronzage à rayons UV de cet établissement.
- L'exposition aux rayons UV des lits de bronzage peut causer le cancer de la peau et le vieillissement prématuré de la peau.

Vous devrez présenter une preuve d'âge avant d'utiliser l'équipement de bronzage à rayons UV.

Health Warning Sign

A Health Warning Sign must be displayed prominently and clearly near the point of sale and in each booth that contains UV producing tanning equipment.

WARNING

You must be 19 years of age to use UV tanning equipment in this facility.

- Exposure to UV light from tanning beds can cause skin cancer and premature skin aging.
- Repeated exposure increases your risks.
- Fair-skinned people are at higher risk.
- Protective eyewear should be worn at all times while using a tanning bed.

AVERTISSEMENT

Vous devez avoir 19 ans pour utiliser l'équipement de bronzage à rayons UV de cet établissement.

- L'exposition aux rayons UV des lits de bronzage peut causer le cancer de la peau et le vieillissement prématuré de la peau.
- L'exposition répétée augmente les risques.
- Les gens qui ont la peau claire courent davantage de risques.
- Des lunettes de protection devraient être portées en tout temps lors de l'utilisation de lits de bronzage.

Legal Identification

It is imperative that you and your employees ask to see valid identification if the person who is requesting to purchase UV tanning sessions looks under 19 years of age.

Remember, thinking someone looks older than they are is not a legitimate excuse to sell them UV tanning sessions. Always check for a valid identification.

As per the *Artificial Tanning Act*, only the following proof of age are acceptable:

- a valid driver's licence;
- a passport;
- a certificate of Canadian citizenship that contains the person's photograph;
- a Canadian permanent resident document;
- a Canadian Forces identification card; or
- any other documentation that
 - is issued by or under the authority of the Government of Canada or the Government of the United States of America, the government of any province or territory of Canada or of any state of the United States of America or any agency of any such government, and
 - contains the person's name, signature, photograph and date of birth.

STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE TO OBTAIN UV TANNING SESSIONS.

Due Diligence

Owners or operators are responsible for the actions of their employees. They may be charged if an employee sells or provides UV tanning to someone who is under 19 years of age.

“Due diligence” means doing everything reasonably possible to try to prevent such an offence from occurring.

The final decision about an owner or operator’s due diligence will be made in a court of law.

Altered IDs

Keep an eye out for altered identification. Younger customers may try to change their IDs to appear older. Here are some ways to spot altered IDs:

- Has the ID been changed in any way?
- Have the dates been altered in any way?
- Look closely at the typeface on the dates – is it the same as the rest of the card?
- Has the surface been scratched so you cannot read the dates?
- Have the corners been peeled back?
- Run your finger across the surface of the card – has it been scratched near the birth date?
- Can you feel a break in the surface that would show something has been inserted into the card – has a new date been inserted into the card?
- Check the picture – does the person in front of you look like the person in the picture?

Questions and answers about the New Brunswick Artificial Tanning Act

Q: Why an *Artificial Tanning Act*?

A: In light of the risk associated with the use of UV tanning equipment, the purpose of the Act is to protect the health of New Brunswickers, particularly young people, by restricting their access to tanning equipment. Research has shown that skin cancer is on the rise in New Brunswick. In 2009, the International Agency for Research on Cancer (IARC) classified UV light emitting from tanning equipment as a human carcinogen. Studies have found that the risk of developing melanoma (a deadly skin cancer) increases up to 75% if indoor tanning is started before the age of 30.

Q: Why is the age set at 19?

A: Choosing age 19 is consistent with Tobacco and Alcohol Laws. The goal is to reach this age group before they have a chance to start tanning in their youth which can have negative health impacts later in life. Studies show that when one tans before age 30, the risk of getting a deadly type of skin cancer called melanoma is increased tremendously.

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

A: If the person wanting to use UV tanning equipment appears to be younger than 19, the operator must ask for proof of age. Proof of age which includes a picture, the person's name, signature and date of birth must be issued by a government agency. Consult the **Legal Identification** section of this document to find out what is an acceptable proof of age.

Q: Am I allowed to sell spray tanning services to a person under 19?

A: Yes, the Act does not prohibit youth from having access to spray tanning.

Q: Am I allowed to sell tanning services to a person less than 19 who has parental consent?

A: No, parental consent is not allowed.

Q: What if a person under 19 has a prescription from a doctor?

A: No, the Act prohibits the sale of UV tanning services to anyone under 19. Any medical condition diagnosed by a doctor should only be treated in a medical facility under professional medical supervision.

Q: Am I allowed to employ someone who is less than 19 years of age?

A: Yes. The *Act* does not prohibit hiring someone less than 19 years of age. However, that employee does not have the right to use UV tanning equipment to get a tan. Tanning salon owners need to be aware that young employees may find it difficult under peer pressure to refuse tanning services to other minors. Owners are still responsible for the actions of their staff.

Q: How will inspectors verify clients' age?

A: The inspectors have the authority under the *Act* to request proof of age to clients in any commercial tanning facility. They also have the right to hire decoy shoppers who are less than 19 years of age to verify compliance to the *Act*.

Q: Are there signs I have to post by law?

A: Yes, two signs have to be posted at three different places. One sign has to be displayed at each door into the tanning facility. The second has to be displayed near the point of sale and inside each tanning cubicle near the tanning bed. All signs have to be clearly visible and unobstructed.

Q: Who can I call to get the appropriate signs?

A: If you require signage for your facility, contact the Inspection & Investigation Unit, Department of Public Safety, (506) 444-4814.

Q: What sort of advertisement is prohibited in the *Artificial Tanning Act*?

A: Any advertisement that is directed at people less than 19 years old, any misleading advertisement or any advertisement making health benefit claims are banned. Promoting artificial tanning as a means to acquire Vitamin D or to acquire a base tan is also prohibited.

Q: Does the ban on advertisement apply to my website?

A: Yes, any advertisement in any media has to abide by the *Artificial Tanning Act*. That includes but is not limited to printed advertisement, websites or any social media (for eg, Facebook, Twitter, etc...)

Q: Who should I get in touch with if I have more questions about the *Artificial Tanning Act* of New Brunswick?

A: For general information or questions please contact the Inspection and Investigation Unit, Department of Public Safety, (506) 444-4814.