

**CAPITAL REGIONAL DISTRICT
BYLAW No. 3711**

A BYLAW REGULATING TANNING FACILITIES

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

"Customer" means a person who uses the services of a tanning facility.

"Environmental Health Officer" means a person appointed under s.78 of the *Public Health Act* as an Environmental Health Officer who is the holder of a Certificate in Public Health Inspection (Canada) or an equivalent certificate issued by a competent authority and acceptable to the Board of Certification of Public Health Inspectors of the Canada Institute of Public Health Inspectors.

"Medical Health Officer" means the Medical Health Officer of the Vancouver Island Health Authority or his or her delegate.

"Minor" means any individual less than eighteen (18) years of age.

"Operator" means an individual who does one or more of the following:

- a) operates the tanning facility;
- b) assists a customer in the use of the tanning equipment;
- c) instructs a customer in the use of the tanning equipment and tanning facility;

and includes an owner.

"Owner" means a person who owns the tanning facility business.

"Pathogen" means any organism that can cause human illness.

"Protective Eyewear" means a device that is worn by a user of the tanning equipment to reduce the ultraviolet radiation reaching their eyes and that meets the specifications prescribed in Section 17 of the Radiation Emitting Device Regulations (Tanning Equipment) (Canada).

"Proof of Age Identification" means

- a) a driver's licence;
- b) a passport;
- c) a certificate of Canadian citizenship that contains the person's photograph;
- d) a Canadian permanent resident document;
- e) a Canadian Armed Forces identification card; or
- f) any other document that
 - i) is issued by a federal or provincial authority or a foreign government, and
 - ii) contains the person's photograph, date of birth and signature.

"Regional District" means the Capital Regional District.

“Sanitize” means the effective elimination of pathogens from surfaces of tanning equipment and protective eyewear by an approved product which provides a sufficient concentration of chemicals that with enough time eliminate pathogens.

“Tanning Equipment” means ultraviolet or other lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation and equipment containing such lamps including ballasts, starters, reflectors, acrylic shields, timers and airflow cooling systems.

“Tanning Facility” means any location, place, area, structure or business which provides customers access to tanning equipment other than a physician’s office or medical clinic. For the purpose of this definition tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at separate locations, shall constitute separate tanning facilities.

“Ultraviolet Radiation” means electromagnetic radiation with wavelength in air between one hundred nanometres and four hundred nanometres.

“Warning Sign” means a sign prescribed by this bylaw as shown in Schedule “A” attached to and forming part of this Bylaw.

2. APPLICATION

- 1) This Bylaw applies to all tanning facilities in the Capital Regional District.
- 2) No person shall operate a tanning facility unless:
 - a) The premises and the tanning equipment, supplies and instruments used in the tanning facility comply with the regulations contained in this Bylaw;
 - b) The tanning equipment in the tanning facility complies with the regulations specified for tanning equipment under the *Radiation Emitting Devices Act* (Canada) and its Regulations.

3. ENTRY

- 1) The Medical Health Officer, or Environmental Health Officer, may enter, at all reasonable times, in any tanning facility in order to ascertain whether the regulations, prohibitions or requirements of this Bylaw are being met.

4. PREMISES

- 1) The owner shall provide at all times, in the tanning facility, an adequate supply of hot and cold water for hand washing, operating and cleaning purposes.
- 2) The owner shall ensure that the floors, walls, and ceilings of the tanning facility are made of materials that can be easily cleaned and the operator shall ensure that the said floors, walls, and ceilings are kept in a clean condition at all times.

5. REGULATIONS

- 1) Warning Signs
 - a) The operator must post a warning sign conspicuously in the immediate proximity (within one meter) of each piece of tanning equipment; it shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the customers can easily view the warning sign before using the tanning equipment.

- b) The operator must ensure that lettering on each warning sign shall be at least ten (10) millimetres high for all words shown in capital letters and at least five (5) millimetres high on all lower case letters.

2) Protective Eyewear

- a) If the customer does not have their own protective eyewear available at the time of tanning equipment use, the operator must provide protective eyewear to that customer for purchase or use during any use of the tanning equipment.
- b) If a customer does not have protective eyewear and chooses not to use the protective eyewear available from the operator, then the operator shall not permit the customer to use the tanning equipment.

3) Equipment and Facility Requirements

- a) The owner must ensure that each assembly of tanning equipment shall be designed for use by only one customer at a time.
- b) An owner must not make available for use prepaid, self-service automated tanning equipment in the tanning facility.
- c) The owner shall ensure that the tanning equipment is be maintained in good repair in order to prevent any mechanical safety hazards.

4) Sanitation

- a) The operator shall ensure that any pre-used protective eyewear provided by the operator to the customer is properly sanitized before each use and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide sanitation. The operator must use a sanitizer intended and documented for use on protective eyewear.
- b) The operator shall ensure to properly sanitize the tanning equipment including handrails, headrests and hard surfaces after every use by a customer.
- c) An operator shall not require a customer to sanitize the tanning equipment or protective eyewear and shall not post any signs requesting such sanitation be performed by the customer.

5) Information for Customers

- a) The owner or operator shall provide to a customer of the tanning facility prior to the customers first use of the tanning equipment information for tanning salon customers attached to this Bylaw as Schedule B.

6. MINORS

- 1) An operator must not permit a minor to use the tanning equipment.
- 2) An operator shall require a person who appears to be under the age of 25 to present proof of age identification before the owner or operator permits that person to use the tanning equipment for the first time.

7. OFFENCES AND PENALTIES

- 1) No person shall do any act, or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 2) A person who contravenes, violates or fails to comply with any provision of this Bylaw, or suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon

conviction to a fine not more than \$2,000 (TWO THOUSAND DOLLARS) and not less than \$250 (TWO HUNDRED AND FIFTY DOLLARS), the cost of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* (British Columbia), *Community Charter* (British Columbia) or the *Offence Act* (British Columbia), as amended from time to time. Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

8. SCHEDULES

- 1) Schedules to this Bylaw form a part of this Bylaw and are enforceable in the same manner of this Bylaw.

9. SEVERABILITY

- 1) If any section or provision of this Bylaw is held to be invalid by a court of competent jurisdiction, this invalid portion shall be severed and the validity of the remainder of the Bylaw shall not be affected.

10. TITLE

This Bylaw may be cited as "Capital Regional District Tanning Facility Regulations Bylaw No. 1, 2010".

READ A FIRST TIME	THIS	14 th	DAY OF	July	2010
AMENDED	THIS	12 th	DAY OF	January	2011
READ A SECOND TIME	THIS	12 th	DAY OF	January	2011
AMENDED	THIS	30 th	DAY OF	March	2011
READ A THIRD TIME	THIS	30 th	DAY OF	March	2011
APPROVED BY THE MINISTER OF HEALTH SERVICES	THIS	5 th	DAY OF	August	2011
ADOPTED	THIS	12 th	DAY OF	October	2011

CHAIR

CORPORATE OFFICER

SCHEDULE A
(Warning Notice)

WARNING

- **Overexposure to Ultraviolet Radiation (UV) causes skin and eye burns.**
- **Use protective eyewear.**
- **Follow instructions.**
- **Drugs and cosmetics may increase UV effects.**
- **UV exposure can be hazardous to your health and, in the long term, can contribute to premature skin aging and skin cancer.**
- **UV effects are cumulative.**
- **Greater risks are associated with early and repeated exposure.**

Adapted from the Radiation Emitting Devices Regulations, CRC, c.1370 Part XI Tanning Equipment 5.(c)(iii)



SCHEDULE B

(Information for Tanning Salon Customers)

INFORMATION FOR TANNING SALON CUSTOMERS**GLOSSARY OF TERMS**

<i>Erythema</i>	The medical term for inflammatory redness of the skin. It can be produced by exposure to UVR, particularly UVB radiation. When this happens, it is commonly called “sunburn”.
<i>Melanin</i>	Pigment in the skin which becomes darker when exposed to ultraviolet radiation.
<i>Melanoma</i>	Most serious form of skin cancer.
<i>Photokeratitis and photoconjunctivitis</i>	Painful injuries to the unprotected eye caused by overexposure to UVR.
<i>UVA</i>	Ultraviolet radiation (sometimes called “long wave” radiation – 320 to 400 nanometres) most common in commercial tanning equipment.
<i>UVB</i>	Ultraviolet radiation (sometimes called “short wave” radiation – 280 to 320 nanometres) responsible for most sunburns as well as long lasting tans. UVB is found at varying levels in all commercial tanning devices.
<i>UVR</i>	Ultraviolet radiation – included the entire spectrum (100 to 400 nanometres) of ultraviolet radiation, including UVC radiation (100 – 280 nanometres).

INTRODUCTION

Prolonged exposure to ultraviolet (UV) A and B radiation can cause sunburns, premature skin aging, skin cancers, cataracts and other eye and skin diseases. It has been shown that UV radiation exposure can adversely affect the immune system of the skin.

The rate of skin cancer in the British Columbia population has doubled. Annually, about 80,000 Canadians are expected to develop skin cancer. One in seven of today's children is expected to develop some form of skin cancer in his or her lifetime. Evidence indicated that 85 per cent or more of all skin cancers are caused by exposure to UV radiation.

When a person chooses to acquire or enhance a tan using a tanning salon facility, it is important for that person to be aware of the hazards involved, so they can make an informed decision about their activity. This document is designed to give users of tanning salons a fundamental knowledge of ultraviolet radiation, and its effects on people exposed to the various types of UV radiation. It discusses the risks of tanning, provides information on certain products that increase that risk, and provides general information for tanning salon users to help reduce health risks.

RISK OF TANNING

Sunburn

Sunburn (or erythema) is an inflammatory redness of the skin, caused by too much exposure to UV radiation, particularly UVB radiation. When the skin cannot produce enough melanin or is not thick enough to protect itself from UV radiation, the skin begins to burn. The small blood vessels in the skin dilate and increase the blood flow to the skin's surface, making it sore and appear red. This reaction can be almost immediate in severe cases, or may develop up to 24 hours later in less severe cases.

People with fair skin who always burn and never tan are genetically incapable of producing sufficient melanin in their bodies to allow tanning. They will always burn, whether in the sun or when using tanning equipment.

Premature Aging

UVR exposure causes breakdown of collagen and premature aging effects such as skin thickening, wrinkling and hardening. Overexposure to UVR can also make the skin more fragile and vulnerable to damage.

Skin Cancer

Skin cancer is the most common cancer in Canada. The incidence in young people is rising at an alarming rate.

Squamous and basal cell cancers are the most common forms of skin cancer. Exposure to UV radiation causes these forms of cancers. While usually not fatal, if diagnosed in time, these cancers require treatment and can result in disfigurement, painful interventions and on-going check-ups.

Malignant melanoma is a less common, but potentially deadly, type of skin cancer. Melanoma has been linked to intense intermittent and long-term exposure to ultraviolet radiation during childhood or the teenage years. Other risk factors for melanoma include a family history of melanoma, and physical attributes such as having lots of moles, and/or red or blond hair. Melanoma usually affects people from 35 to 50 years of age.

The risk of developing skin cancer increases as total exposure to UVR increases. People with fair skin who burn easily are also most at risk of developing skin cancer.

Eye problems

Ultraviolet radiation may cause painful temporary injuries to the cornea and conjunctiva of the eye, called photokeratitis and photoconjunctivitis. These conditions may develop from 2 to 24 hours after exposure, but usually occurs within 6 to 12 hours. UVA radiation may cause eye-aging effects, such as browning of the lens and loss of elasticity. Overexposure to UVB can cause cataracts in the lens. Some people have also reported retina damage due to UVR exposure.

RISK ASSOCIATED WITH TANNING SALONS

Risk of Burns

A serious, although rarely occurring health risk associated with tanning salons is that of extreme overexposure to UV radiation during a single session that results in a serious case of “skin burn”. These cases, although relatively rare, have caused serious harm to affected tanning salon clients. These incidents have usually been attributed to operator error in under-estimating the strength of the UV radiation being emitted from the equipment and/or over-estimating the maximum time that an artificial tanning session should last.

Maximum exposure times for different skin types depend on the strength and type of ultraviolet emissions from the ultraviolet light bulbs used in each individual piece of tanning equipment. There are many different models and brands of ultraviolet light bulbs available on the market, producing varying intensities and emitting different amount of UVA and UVB radiation.

For this reason, it is essential that the operator ensure that, when replaced, the original make and type of bulbs recommended by the manufacturer are utilized.

Risks of Infections

There is also a risk of transmission of infectious diseases from the surfaces encountered, such as herpes virus from the sunbed and “Pink Eye” from sharing protective eyewear equipment. It is therefore required that the operator sanitize the surfaces or any reusable eyewear after each use and that customers be encouraged to purchase their own personal protective eyewear equipment for their own personal and exclusive use.

HEALTH AND SAFETY

Be informed

It is recommended that tanning customers be advised to consider discussing the risks of artificial tanning with their family physicians in order to understand all the implications of exposure to UV radiation.

Research shows that the risk of getting skin cancer increases as exposure to UV radiation increases. Research also shows that a person’s chance of getting the less common but more deadly form of skin cancer – malignant melanoma – as an adult is twice as high if they had one or more serious sunburns when they were young. For these reasons, it is important to make sure that young adults are protected from overexposure to UV radiation, and that they understand the increasing long-term health risks as a result of increasing exposure to ultraviolet radiation.

People who always burn and never tan should be advised not to use tanning units. People who do not tan easily (for example, fair skinned adults with red or blond hair and freckles) should not use tanning units. Both skin types are those most at risk of developing skin cancer.

Anyone who has a skin infection, rash or other skin condition should not use a tanning salon until the problem is resolved or a doctor has been consulted.

Adverse reactions

One should be aware that an individual may have a delayed, adverse reaction to UV exposure (i.e., red, irritated and watering eyes, or an itching skin rash or sunburn) **after** the user leaves the tanning salon. This delayed reaction can take anywhere from less than an hour to as long as a day and a half to develop. If such adverse reaction is serious, the client is advised to seek medical care.

Products that Increase Sensitivity to UV Radiation

Many products, including prescribed medications, over-the-counter patent medicines, and a wide range of personal care products can increase the skin's sensitivity to UVR. This can result in photosensitivity, an intense reaction of the skin to UVR, which can cause burning (or erythema) in a much shorter time period that would normally be expected.

Photosensitivity can be caused by products applied directly to the skin (contact photosensitizing agents) or from medications or other substances that have been ingested.

Antibiotics, blood pressure and heart medications, and birth control pills are some common classes of drugs which can increase the skin's sensitivity to UVR.

Because there are literally hundreds of known photosensitising agents, clients taking any medications should consult a physician or pharmacist before tanning.

Protective Eyewear

Protective eyewear used with sunlamps or tanning beds must meet the following two criteria:

- a) The user must be able to see through them, clearly enough to read the labels and operate the controls.
- b) The eyewear must attenuate the short-wave ultraviolet radiation by a factor of at least 1,000 and attenuate the long-wave ultraviolet radiation by a factor of at least 100.

Check with the eyewear manufacturer to ensure your eyewear meets these criteria.