

CAPITAL REGIONAL DISTRICT

BY-LAW No. ____

.....
A BY-LAW REGULATING TANNING FACILITIES
.....

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

1. INTERPRETATION

In this By-law, unless the context otherwise requires:

“approved” or "approval" means approved in writing by the Medical Health Officer.

“Board” means the Capital Regional District Board.

“Bylaw Enforcement Officer" means a Bylaw Enforcement Officer of the CRD.

“Medical Health Officer” means the Medical Health Officer of the Vancouver Island Health Authority or delegate.

“minor” means any individual less than eighteen (18) years of age.

“operator” means an owner of the tanning facility or any individual designated to operate or to assist and instruct the consumer in the operation and use of tanning equipment in a tanning facility, including but not limited to any or all of the following activities:

- a) determining the consumer’s skin type;
- b) informing the consumer of the dangers of ultraviolet radiation exposure including photoallergic reactions and photosensitising reactions;
- c) determining consumer use of potentially photosensitising agents;
- d) providing the consumer with information required by these regulations;
- e) maintaining consumer exposure records;
- f) recognizing and documenting consumer actual or alleged ultraviolet radiation injuries;
- g) determining the customers’ exposure schedule, to include exposure time, spacing of visits, number of allowed visits per week and maximum exposure time in minutes, in accordance with the applicable manufacturers’ recommended exposure schedule;
- h) instructing the consumer in the proper use of protective eyewear; and

- i) setting timers which control the duration of exposure.

“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 documentation 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.

“Public Health Inspector” means an officer appointed under the *Health Act* 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 Canadian Institute of Public Health Inspectors.

“sanitize” means the effective fungal, viral and bacterial treatment of surfaces of tanning equipment by an approved product which provides a sufficient concentration of chemicals to reduce the bacterial count, including pathogens, to an acceptable level.

“tanning components” means any constituent tanning equipment part, to include ballasts, starters, lamps, reflectors, acrylic shields, timers, and airflow cooling systems.

“Regional District” means the Capital Regional District.

“tanning equipment” means ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

“tanning facility” means a business premises which provides customers access to tanning equipment.

“ultraviolet radiation” means electromagnetic radiation with wavelength in air between two hundred nanometers and four hundred nanometers.

“vendor” means any person or persons providing tanning equipment installation, servicing, and/or services. This shall include, but not be limited to, any person or persons who make, sell, lease, transfer, lend, assemble, repair, calibrate or install tanning equipment or the components used in connection with such equipment.

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

APPLICATION

- (1) This By-law applies to all tanning facilities in the Capital Regional District.
- (2) No person shall operate a tanning facility unless:
 - (a) such premises and the tanning equipment, supplies and instruments used therein comply with the regulations contained in this By-law;
 - (b) operators have checked with their vendor to ensure that their sunlamps and tanning components comply with all appropriate federal regulations; and
 - (c) the operator complies with any other applicable federal, provincial, and local government regulations dealing with health, sanitation, safety and electrical standards.

2. DELEGATION OF DUTIES

The Medical Health Officer may delegate his other powers and duties under this By-law to a Public Health Inspector.

3. APPROVAL

No operator shall commence the operation of any tanning facility unless he/she has applied for and obtained approval from the Medical Health Officer, or his/her delegate, that the tanning facility is in compliance with this By-law.

4. ENTRY

A Bylaw Enforcement Officer and the Medical Health Officer or his/her delegate may enter, at all reasonable times, any tanning facility in order to ascertain whether the regulations contained in this By-law are being followed.

5. PREMISES

- (1) The operator shall provide at all times adequate supply of hot and cold water for hand washing, operating and cleaning purposes in a tanning facility.
- (2) Floors and walls of the facility and tanning bed surfaces shall be of materials that can be easily cleaned.

6. REGULATIONS

- (1) An operator must post warning signs conspicuously in the client reception area as well as in the immediate proximity (within one meter) of each piece of tanning equipment; the warning signs shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the consumer can easily view the warning sign before using the tanning equipment.

(2) **Protective Eyewear**

- (a) Prior to a customer's first use of the tanning equipment at the tanning facility, the operator shall instruct the consumer to use protective eyewear in accordance with the manufacturer's design, instructions and approval.
- (b) An operator shall not permit a customer to use the tanning equipment at the tanning facility unless the person wears protective eyewear.
- (c) An operator shall not provide previously used protective eyewear to a customer.

(3) **Equipment and Facility Construction Requirements**

- (a) Each assembly of tanning equipment shall be designed for use by only one consumer at a time and constructed to prevent by-stander exposure.
- (b) Each assembly of tanning equipment shall be equipped with a timer that complies with the applicable requirements of the Federal Radiation Emitting Devices Regulations. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time.
- (c) All tanning equipment shall be provided with an override timer control installed outside of the room in which a tanning device is located.
- (d) The remote timer shall be operated only by an operator.
- (e) Timer and emergency off switch tests shall be performed upon initial installation, prior to the initial use of the timer device by a customer and also upon any repair or replacement of the timer or emergency off switch. The timer shall be tested at the tanning equipment manufacturer's recommended maximum exposure time.
- (f) The tanning devices shall be maintained in good repair in order to prevent any mechanical safety hazards.
- (g) Tanning booths designed for stand-up use shall also comply with the following additional requirements:
 - (i) Booths shall have physical barriers or other means such as floor markings, to indicate the manufacturer's recommended exposure position or minimum use distance between the ultraviolet lamps and the consumer's skin;
 - (ii) Booths shall be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling person;
 - (iii) Access to booths shall be of rigid construction with doors which are non-locking and open outwardly; and
 - (iv) The floor inside each booth shall be kept clean and shall be maintained in a non-slip manner.

(4) **Sanitation**

- (a) The operator shall ensure that the tanning equipment is sanitized after each customer use. The areas of the tanning equipment that shall be sanitized include, but are not limited to, the handrails, headrests, and bed surfaces. The sanitizer shall be mixed and used according to the manufacturer's instructions.
- (b) An operator shall not require a customer to sanitize the tanning equipment and shall not post any signs requesting such sanitation be performed by the consumer.

(5) **Provision of Tanning Information**

Prior to a customer's first use of the tanning equipment at the tanning facility, the operator shall provide to the customer information for tanning salon customers attached to this By-law as Schedule "B".

7. MINORS

- (1) An operator shall not allow minors to use the tanning equipment at the tanning facility for tanning purposes;
- (2) An operator shall require a person who appears to be under the age of 25 to present proof of age identification before the operator permits that person to use the tanning equipment for tanning purposes for the first time.

8. 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 By-law.
- (2) Every person who contravenes this By-law by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a penalty prescribed in the *Offence Act*.
- (3) The penalties imposed under sub-section (2) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this By-law or any other statute, law or regulation.

9. SEVERABILITY

In the event that any part of this By-law shall be determined to be invalid, illegal or unenforceable, by a court of competent jurisdiction, that part shall be severed from the By-law and such severance shall not affect the validity of the remaining provisions of the By-law.

10. SCHEDULES

All schedules to this By-law form a part of this By-law.

11. TITLE

This By-law may be cited as "Tanning Facility Regulation By-law No. 1, 2005"

12. EFFECTIVE DATE

The effect of this By-law is suspended until January 1, 2006 and this By-law shall come into force on January 1, 2006.

READ A FIRST TIME THIS _____

READ A SECOND TIME THIS _____

READ A THIRD TIME THIS _____

DEPOSITED WITH THE MINISTER OF HEALTH SERVICES THIS

ADOPTED THIS _____

SCHEDULE A

(Warning Notice)

WARNING

ULTRAVIOLET RADIATION

1. Children, the elderly, or fair skinned people and others who always burn easily or tan minimally **should not use this equipment.**
2. Failure to use approved ultraviolet blocking eyewear may result in **serious eye injury** including severe burns.
3. Repeated exposure may cause **skin cancer** and **premature aging of the skin.**
4. Certain medications (both oral and topical), cosmetics, and lotions applied to the skin **increase sensitivity** to ultraviolet radiation.
5. **Overexposure can cause sunburn.**
6. If itching or discomfort develops, discontinue use immediately and consult a physician.

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 – includes 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 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 indicates 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 the amount of exposure they receive. 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.

RISKS 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 causes 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 form of cancer in Canada.

Squamous and basal cell cancers are the most common, but rarely fatal, forms of skin cancer. Exposure to UV radiation causes these forms of cancer.

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, 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 too much UVR.

RISKS ASSOCIATED WITH TANNING SALONS

Risks of Overexposure to UV Radiation

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 erythema, or “sunburn”. These cases, although relatively rare, have caused serious harm to affected tanning salon clients. These incidents have usually been attribute 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 amounts of UVA and UVB radiation.

For this reason, it is essential that operators ensure that customers are informed as to the maximum exposure time (in minutes) and the minimum time interval needed between consecutive exposures for the particular make and model of bulbs that are actually installed in each separate tanning machine.

Risks of Infection

There is also a risk of transmission of infectious diseases (e.g., Pink Eye) from sharing of protective eyewear equipment. It is therefore recommended in these guidelines that customers of tanning salons 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 children and teenagers 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.

Evaluate Your Potential to Burn

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 for as long a time as adult customers with dark skin and hair. 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 the Risk

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 than 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 of the 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.