
Guide to
CRD BYLAW NO. 3711
A BYLAW REGULATING
TANNING FACILITIES

for Tanning Salon Owners and
Operators in the Capital Region

**No UV Tanning for Minors under
18 years allowed**



January 2012

Important

The Capital Regional District (CRD) and the Office of the Chief Medical Health Officer, Vancouver Island Health Authority (VIHA), are providing this booklet to owners of tanning facilities in order to promote understanding of health regulations regarding tanning equipment use in the Capital Region.

Definitions

In CRD Bylaw 3711, **“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 other than a physician’s office or medical clinic which provides customers access to tanning equipment. 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.

“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.

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

“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.

Highlights of the CRD Bylaw No. 3711

The bylaw states that:

- No one who owns or operates a tanning facility shall sell access to UV tanning equipment to a person under the age of eighteen (18) years.
- Any individual who violates this bylaw is liable to a fine of up to \$2,000.
- Every customer must use protective eyewear.
- Supervision is required for all UV equipment users.
- The operator must properly sanitize the equipment after each use.
- Prior to a customer's first use, the owner or operator must supply the required information - **Schedule B - Information for Tanning Salon Customers**. A summary brochure is provided for this use.
- Retailers are required to display a specific warning sign as described in the next section.

Warning Signs

Under CRD Bylaw No. 3711, enacted on October 12, 2011, tanning salon retailers are required to post a warning sign as shown in Schedule A of the bylaw and illustrated below.

The operator must post this 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.

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.

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)



Questions and Answers about the CRD Bylaw No. 3711 and Tanning Facilities Regulations

Q: What is the purpose of the CRD Bylaw No. 3711?

A: In 2009, the International Agency for Research on Cancer classified UV light from tanning beds as a known human cancer-causing agent. In light of the risks associated with the use of tanning equipment, the purpose of this bylaw is to protect health, in particular the health of young persons, by restricting access to ultraviolet (UV) tanning equipment in tanning facilities.

Q: Why set the age limit to youth under 18 years of age?

A: The age limit of 18 years is recommended by the World Health Organization and is supported by health organizations and health societies worldwide.

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

A: The CRD Bylaw No. 3711, which came into effect on October 12, 2011, makes it illegal for you and your employees to sell access to UV tanning equipment to any person under the age of 18 years. The bylaw also requires you to post a warning sign in your business and supply the provided health information to your customers upon their first visit since this bylaw has come into effect.

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

A: Yes. If the person is or looks to be under the age of 25 years, you must ask for a form of government-issued photo ID such as a driver's license or passport..

Q: If someone under 18 wants to purchase a spray-on tan, am I allowed to sell it to them?

A: Yes. The bylaw only bans youth under 18 from using UV tanning equipment like ultraviolet lamps, or equipment containing such lamps, like tanning beds.

Q: Can I sell UV tanning services to youth under 18 if they have parental consent? What if they have a medical condition and a note from their doctor?

A: No. This bylaw prohibits the sale of UV tanning services to anyone under 18 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 18 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 this bylaw to post?

A: This bylaw requires that a specified warning sign be conspicuously posted adjacent to each piece of tanning equipment so that the customer can clearly see it. As well, the federal government requires exposure labeling be affixed to each piece of tanning equipment that provides information on the duration and frequency of use of tanning equipment based on self-described skin type. It is expected that all warning labeling requirements by the Federal Government will be met.

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

A: The Canadian Competition Bureau has ruled against false claims regarding “health benefits” of tanning and invoked financial penalties.

Q: What are the penalties for violating the CRD Bylaw No. 3711 and Tanning Facilities Regulations?

A: Any retailer who sells UV tanning services to persons under 18 is guilty of an offence and liable to a fine of up to \$2,000.

Q: Who will regulate this bylaw?

A: Environmental health officers will inspect tanning salons as needed as a regulated activity under the **Public Health Act**.

Who do I contact if I have more questions about the CRD Bylaw No. 3711 and Regulations and its application?

For more information or questions about the CRD Bylaw No. 3711 please visit
CRD WEB Site - <http://www.crd.bc.ca/bylaws/index.htm>
VIHA WEB Site - <http://www.viha.ca/mho/contacts/hpes.htm>