

# Toolkit for UV Tanning Facility Operators



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## Table of Contents

|   |   |
|---|---|
| Introduction.....   | 1 |
| Background.....   | 2 |
| I. Tanning Facility Owner/Operator Responsibilities ..... | 3 |
| II. Employee Training .....                               | 4 |
| A. Owner/Operator .....                                   | 4 |
| B. Preparing Your Employees .....                         | 4 |
| III. Monitoring.....                                      | 5 |
| IV. Additional Strategies .....                           | 5 |
| Appendix 1.....   | 6 |
| Signage .....   | 6 |
| Appendix 2.....   | 7 |
| Tanning Sales Sample Exam.....                            | 7 |
| Appendix 3.....   | 9 |
| Checklist for Owners/Operators .....                      | 9 |

## Introduction

Owners/operators of tanning facilities are responsible to operate their facility in accordance with the applicable regulations; this includes ensuring employees are properly trained. This Toolkit is intended to:

- inform the owners/operators of tanning facilities about *The Health Hazard Regulations*; and,
- assist the owners/operators of tanning facilities in operating their facility safely and in accordance with the regulations.

Other legislation and regulations that apply to the operation of a tanning facility, include, but are not limited to:

- *Radiation Emitting Devices (RED) Act* (Health Canada).
- *The Radiation Health and Safety Regulations, 2005* (Saskatchewan Ministry of Labour Relations and Workplace Safety).

*The Health Hazard Regulations* contain provisions to protect youth from the risk of developing skin cancer from using Ultraviolet (UV) tanning equipment. Specifically, the regulations:

- require owners/operators of tanning facilities to register with the health authority;
- prohibit owners/operators of tanning facilities from permitting youth under 18 years of age from using UV tanning equipment in a tanning facility;
- enable owners/operators of tanning facilities to request proof of age documentation;
- require owners/operators of tanning facilities to post signage regarding age restrictions and health risks;
- prohibit the advertising of UV tanning services to persons under the age of 18; and,
- allow, with some restrictions, youth under 18 years of age to access UV tanning equipment if the individual has obtained a prescription from a physician for treatment of a medical condition.

Health authority public health officers enforce *The Health Hazard Regulations*. Compliance checks are conducted on tanning facilities to ensure youth, i.e. persons under the age of 18 years, are not permitted access to UV tanning equipment as required by subsection 13.4(1) of the regulations.

Failure to operate in accordance with *The Health Hazard Regulations* may result in the laying of charges by the health authority and prosecution of the operator. Under Section 61 of *The Public Health Act, 1994*, fines can range, in the case of an individual, from not more than \$75,000 for a first offence to not more than \$100,000 for a second or subsequent offence. In the case of a corporation, fines can range from not more than \$100,000 for the first offence to not more than \$250,000 for the second or subsequent offence. Individuals may also be fined up to \$100 per day if they continue to operate in violation of the regulations; corporations may be fined up to \$250,000 per day. Daily fines may also increase for second or subsequent offences.

Operators of tanning salons should also be familiar with:

Guidelines for Tanning Salon Owners and Operators (under Related Items):

<http://www.saskatchewan.ca/residents/environment-public-health-and-safety/environmental-health/personal-service-facilities>

Anyone considering establishing, renovating or operating a tanning facility is to contact the health authority public health officer before commencing construction and/or operations. Visit the site below for a list of the health inspection offices throughout Saskatchewan:

<http://www.saskatchewan.ca/residents/health/understanding-the-health-care-system/saskatchewan-health-regions/regional-public-health-inspectors>

Persons considering establishing, renovating or operating a tanning facility should also be aware that in addition to the requirements of *The Health Hazard Regulations*, approvals from other ministries, agencies and/or local municipalities may be required. These approvals may include, but are not limited to: building, fire, accessibility and plumbing.

## Background

When exposed to UV radiation, skin can change colour, producing a darker pigmentation from the darkening of the melanin. This darkening (tanning) can occur from exposure to UV radiation from the sun or from tanning equipment. The presence of a tan or sunburn indicates that UV light has damaged the skin.

Sunburn, caused by too much UV radiation, is an inflammatory reaction of the skin. The blood vessels in the skin dilate, increasing blood flow causing a red appearance and soreness. Skin can show signs of premature aging from exposure to UV radiation.

Exposure to UV radiation can cause skin cancer. In 2009, the World Health Organization's International Agency for Research on Cancer classified exposure to UV emitting tanning devices (sunbeds) as carcinogenic, i.e., cancer causing, to humans. This was based on a review of 19 studies conducted over 25 years which found the following:

- indoor tanning is associated with two types of skin cancer: squamous cell carcinoma and melanoma;
- indoor tanning devices that emit UV-B radiation is associated with ocular melanoma (cancer of the eye);
- UV-A and UV-B radiation causes DNA damage which can lead to skin cancer in laboratory animals; and,
- the risk of melanoma of the skin increases by 75% when tanning bed use started before the age of 35.

In a 2017 World Health Organization report entitled, "*Artificial Tanning Devices: Public Health Interventions to Manage Sunbeds*" it states, "A systematic review showed that people who have used a sunbed at least once at any stage in their life have a 20% higher risk of developing melanoma than people who have never used a sunbed, and the first use of sunbeds before the age of 35 increases the risk of developing melanoma by 59%."

## I. Tanning Facility Owner/Operator Responsibilities

**A. Operate the tanning facility in accordance with all applicable legislation and regulations, i.e. *The Health Hazard Regulations***

**B. Register with the health authority**

Owners/operators of UV tanning facilities must register their facility with the health authority. Visit the site below for a list of the health inspection offices throughout Saskatchewan:

<http://www.saskatchewan.ca/residents/health/understanding-the-health-care-system/saskatchewan-health-regions/regional-public-health-inspectors>

**C. Refuse tanning services to youth under 18 years of age**

No owner/operator of a tanning facility shall permit a person under 18 years of age to use UV tanning equipment.

The regulations do allow youth under 18 years of age to access UV tanning equipment if the individual has obtained a prescription from a physician for treatment of a medical condition.

**D. Require proof of age from an individual at the tanning facility if they appear to be under 18 years of age**

Valid identification (ID) includes:

- a photo identification card that forms part of a Saskatchewan driver's licence;
- a Canadian passport;
- a certificate of Canadian citizenship that contains the person's photograph;
- a Canadian Forces identification card; and,
- any other document that:
  - is issued by the government of a province or territory of Canada, the Government of Canada or the government of a foreign country or state; and
  - contains the person's photograph, date of birth and signature.

**E. Post mandatory signage**

A sign, posted in a prominent place in the tanning facility or within the immediate view of anyone entering the tanning facility must state the following:

"Notice - UV tanning equipment emits ultraviolet radiation. Exposure to UV radiation increases your risk of developing skin cancer and can also cause serious injury and premature signs of aging. It is illegal to sell, offer for sale or provide UV tanning services to anyone under 18 years of age without a prescription issued by a physician".

The sign must be at least 21.5 centimetres wide and at least 35.5 centimeters high. A sample of this sign is found in **Appendix 1**.

**F. Refrain from targeting UV tanning advertisements to young people**

Advertising in media or other publications shall not target youth or employ depictions that target youth under 18 years of age. Advertising, directed to persons under 18 years of age, using messages or images or messages and images that are false, misleading, or likely to create a false impression about the health effects or health risks of UV tanning are not permitted.

**II. Employee Training**

**A. Owner/Operator**

Owners/operators are responsible for the actions of their employees. They may be held responsible if an employee provides tanning services to someone who is under 18 years of age.

When away from the tanning facility or otherwise busy, owners/operators must be able to trust their employees to carry out each provision of tanning in accordance to the law. It is important to train all new employees and conduct reviews regularly.

**B. Preparing Your Employees**

Employees **must understand the following:**

1. Provincial tanning regulations state that only the following pieces of ID or documentation are acceptable to prove a person's age:
  - a photo identification card that forms part of a Saskatchewan driver's licence;
  - a Canadian passport;
  - a certificate of Canadian citizenship that contains the person's photograph;
  - a Canadian Forces identification card; and,
  - any other document that:
    - is issued by the government of a province or territory of Canada, the Government of Canada or the government of a foreign country or state; and
    - contains the person's photograph, date of birth and signature.

***STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TANNING PURCHASES***

Younger customers may try to change their IDs to appear older. Do not accept ID that appears altered or false in anyway.

2. Youth under 18 years of age can use UV tanning if they provide a written prescription from a physician, directing them to undergo UV tanning.
3. Signage stating the dangers of indoor tanning must be clearly visible at all times.

### III. Monitoring

Owners/operators of a tanning facility should monitor their employee actions. By doing so, the owners/operators would be able to identify employees who are not following policies or federal and provincial legislation and regulations.

There are a number of effective methods to monitoring, for example:

1. Supervise employees on an on-going basis and educate as necessary to ensure employees understand the facility policies, and legislated and regulated requirements.
2. Quiz employees at regular intervals or when some change in the law is announced. Refer to **Appendix 2** for a sample quiz.
3. Complete the Checklist for Owners/Operators provided in **Appendix 3**.

In addition, the health authority does conduct compliance checks to see if the facility operator allows underaged youth to access tanning services. Letters from the health authority stating the facility was found to be in non-compliance with the regulations should be shared with employees. This may educate them to help prevent further non-compliance.

### IV. Additional Strategies

Owners/operators should:

- Give young employees extra training and supervision to ensure they follow the regulations and facility policies.
- Support young employees who may be pressured by their peers to provide tanning services illegally by teaching them:
  - how and when to say “No”;
  - to tell the person that they are asking the employee to break the law and that they could lose their job;
  - how to firmly say ‘No’ without hesitating (voice and expression will make it clear that the matter is closed);
  - to tell the customer to see the manager or supervisor if the customer continues to pressure them; and,
  - to refuse to allow access to tanning equipment if:
    - the customer is under 18 years of age;
    - the client appears under 18 and cannot provide valid proof of age; and,
    - if a client’s ID appears altered in any way.
- Have procedures in place in the event a customer is upset that they have been asked for identification.
- Create a policy that anyone who appears under the age of 25 (or older) must provide proof of age.
- Reward employees for good behaviour, e.g., asking for ID. Positive reinforcement is important.

## Appendix 1

### Signage

# NOTICE

**UV tanning equipment emits ultraviolet radiation. Exposure to UV radiation increases your risk of developing skin cancer and can also cause serious injury and premature signs of aging.**

**It is illegal to sell, offer for sale or provide UV tanning services to anyone under 18 years of age without a prescription issued by a physician.**



## Appendix 2

### Tanning Sales Sample Exam

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

1. How old does a customer have to be for you to legally provide UV tanning services?
  - a. At least 18
  - b. At least 19
  - c. At least 21
  - d. At least 25
  
2. Which of the following is NOT an acceptable form of ID?
  - a. University ID card with photo
  - b. A Canada Forces identification card
  - c. Saskatchewan photo driver's licence
  - d. Passport
  
3. A girl who looks about 16 comes into the facility. She has a note from her mom giving her permission to tan. What do you do?
  - a. Provide tanning services
  - b. Phone her mom to ensure the note is authentic
  - c. Provide the tanning services and keep the note on file to protect yourself
  - d. Refuse to provide tanning services
  
4. A person comes in that looks 18 or 19. When you ask for ID he says that he forgot his ID but that he is over 18 years old. What do you do?
  - a. Refuse to provide tanning services
  - b. Ask him to sign a declaration stating that he is old enough
  - c. Assume he is telling the truth and proceed with providing tanning services
  - d. Let him tan this time but tell him that he must bring ID next time
  
5. A regular client comes in to tan. You think she looks about 17 and have seen other employees let her tan without showing ID. What should you do?
  - a. Ask a fellow employee if she is old enough
  - b. Ask to see her ID
  - c. Allow her to tan
  - d. Get her to sign in and state her age

## Tanning Sales Exam – Answer Key

1. How old does a customer have to be for you to provide them UV tanning services?
  - a. **At least 18**
  - b. At least 19
  - c. At least 21
  - d. At least 25
  
2. Which of the following is NOT an acceptable form of ID?
  - e. **University ID card with photo**
  - f. A Canada Forces identification card
  - g. Saskatchewan photo driver's licence
  - h. Passport
  
3. A girl who looks about 16 comes into the facility. She has a note from her mom giving her permission to tan. What do you do?
  - i. Provide her the tanning services
  - j. Phone her mom to ensure the note is authentic
  - k. Provide the tanning services and keep the note on file to protect yourself
  - l. **Refuse to provide tanning services**
  
4. A person comes in that looks 18 or 19. When you ask for ID he says that he forgot his ID but that he is over 18 years old. What do you do?
  - m. **Refuse to provide tanning services**
  - n. Ask him to sign a declaration stating that he is old enough
  - o. Assume he is telling the truth and proceed with providing tanning services
  - p. Let him tan this time but tell him that he must bring ID next time
  
5. A regular client comes in to tan. You think she looks about 17 and have seen other employees let her tan without showing ID. What should you do?
  - q. Ask a fellow employee if she is old enough
  - r. **Ask to see her ID**
  - s. Allow her to tan
  - t. Get her to sign in and state her age

## Appendix 3

### Checklist for Owners/Operators

| Checklist for Owners/Operators   | YES | NO | Notes |
|--|-----|----|-------|
| Provincial Regulations   |     |    |       |
| Is a provincial sign posted as required by law?  |     |    |       |
| Do employees ask for ID from anyone who appears under 18 years of age?                                       |     |    |       |
| Have you received any feedback from a health authority compliance check?                                     |     |    |       |
| If yes, have you shared it with employees?   |     |    |       |
| Facility Policies  |     |    |       |
| Are facility policies and procedures written down?   |     |    |       |
| Have you implemented standard procedures for dealing with customers who cannot provide appropriate ID?       |     |    |       |
| Have penalties been established for employees who do not follow the law or facility policies and procedures? |     |    |       |
| Training   |     |    |       |
| Is it facility policy that employees cannot sell tanning services until they are fully trained?              |     |    |       |
| Have all employees been trained in the following information?  |     |    |       |
| <ul style="list-style-type: none"> <li>• It is illegal to provide UV tanning to people under 18</li> </ul>   |     |    |       |
| <ul style="list-style-type: none"> <li>• Types of acceptable ID</li> </ul>                                   |     |    |       |
| <ul style="list-style-type: none"> <li>• Procedures for when and how to refuse a sale</li> </ul>             |     |    |       |
| <ul style="list-style-type: none"> <li>• How to deal with difficult customers</li> </ul>                     |     |    |       |
| Has an exam been given to employees upon completion of training?   |     |    |       |
| Are tanning laws and facility policies and procedures reviewed regularly with employees?                     |     |    |       |
| Are employees supervised regularly?  |     |    |       |

**Owner/Operator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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