



BILL NO. 102

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Regulate Tanning Beds

CHAPTER 44
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable Maureen MacDonald
Minister of Health Promotion and Protection

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Regulate Tanning Beds

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Tanning Beds Act*.

2 The purpose of this Act is to protect the health of Nova Scotians, and in particular young persons, by restricting their access to tanning equipment in tanning facilities in light of the risks associated with the use of tanning equipment.

3 In this Act,

(a) “employee” of an owner includes any servant or agent of the owner;

(b) “enforcement officer” means a person designated pursuant to this Act as an enforcement officer and includes a member of a municipal police force within the meaning of the *Police Act* and a member of the Royal Canadian Mounted Police;

(c) “Minister” means the Minister of Health Promotion and Protection;

(d) “owner” means a person, firm, corporation or unincorporated body that owns or operates a tanning facility;

(e) “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;

(f) “tanning facility” means any location, place, area, structure or business that provides customers access to tanning equipment in exchange for compensation.

4 The Minister may designate persons or classes of persons to act as enforcement officers for the purpose of this Act and the regulations.

5 (1) No owner or employee of an owner shall sell access to tanning equipment to a person under the age of nineteen years.

(2) It is not a defence to a prosecution pursuant to subsection (1) for the owner or other person to show that the person under the age of nineteen years appeared to be above that age.

(3) An owner or an employee of an owner shall require a person appearing to the owner or employee to be under the age of nineteen years to provide proof of age before selling access to tanning equipment to that person and to carry out such procedures as may be prescribed by the regulations.

6 (1) An owner shall display signs in such form and manner and disclosing such information relating to the sale of access to tanning equipment and the effect of tanning on health as may be prescribed by the regulations.

(2) No person shall display or permit the display of any sign or material promoting or advertising the sale of or otherwise respecting the use of tanning equipment except as prescribed by the regulations.

- 7** For the purpose of enforcing this Act and the regulations, an enforcement officer may
- (a) make test purchases of accessing the use of tanning equipment;
 - (b) investigate any complaint of a contravention of this Act or the regulations and examine an owner or employee of an owner to determine if a contravention has occurred;
 - (c) from time to time and at all reasonable times, enter upon a tanning facility's premises of an owner or any other person if it is reasonably necessary to do so in order to determine whether this Act and the regulations are being complied with;
 - (d) do any other thing for the purpose of enforcing this Act and the regulations.

8 No action lies against a person by reason of that person reporting a contravention or alleged contravention of this Act or the regulations unless the reporting is done falsely and maliciously.

9 (1) Every owner who contravenes or whose employee contravenes subsection 5(1) is guilty of an offence and liable on summary conviction to

- (a) for a first offence, a fine not exceeding two thousand dollars;
- (b) for a second offence, a fine not exceeding five thousand dollars; or
- (c) for a third or subsequent offence, a fine not exceeding ten thousand dollars.

(2) Upon conviction of an owner, or an employee of an owner, for a contravention of subsection 5(1), the judge shall make an order prohibiting the owner or a successor to the owner's business, or an employee of the owner or the successor, from selling access to tanning equipment from the premises at which the contravention took place or any premises to which the business is moved for

- (a) in the case of a first offence, seven consecutive days;
- (b) in the case of a second offence, not less than three consecutive months and not more than six consecutive months; or
- (c) in the case of a third or subsequent offence, not less than twelve consecutive months and not more than twenty-four consecutive months.

(3) Subject to subsections (1) and (2), every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

10 (1) The Governor in Council may make regulations

- (a) prescribing any matter that this Act authorizes to be prescribed by the regulations;

(b) incorporating and adopting by reference, in whole or in part, a written standard, rule, regulation, guideline, code or document as it reads on a prescribed day or as it is amended from time to time;

(c) defining any word or expression used in this Act and not defined in this Act;

(d) further defining any word or expression defined in this Act;

(e) respecting any matter that the Governor in Council deems necessary or advisable to carry out the intent and purpose of this Act.

(2) A regulation may apply to all owners or to a class of owners and there may be different regulations for different classes of owners.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

11 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.
