



TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health

DATE: 2014 March 20

SKIN CANCER PREVENTION ACT REGULATIONS AND REQUIRED RESOURCES

Recommendation

It is recommended that:

- 1. The Board of Health endorse Report No. 020-14 re: “Skin Cancer Prevention Act Regulations and Required Resources”; and,*
- 2. The Board of Health send a letter, attached as Appendix B, to the Right Honourable Premier Kathleen Wynne and to the Honourable Deb Matthews, Minister of Health and Long Term Care to commend the Ontario Government for the Skin Cancer Prevention Act, and to advocate for adequate funding for local public health from the Ministry of Health and Long-Term Care to support enforcement and promotion activities.*

Key Points

- The *Skin Cancer Prevention Act (Tanning Beds)* prohibits the selling, offering for sale or marketing of tanning services or ultraviolet light treatments (for tanning) to persons under the age of 18 years.
- Public health units will be designated under the *Act* to enforce the legislation.
- Public health units currently receive no funding from the Ministry of Health and Long-Term Care to support the promotion and enforcement of the *Skin Cancer Prevention Act* and regulations in order to protect children and youth from melanoma skin cancer and other health risks from the use of artificial tanning equipment.

Skin Cancer Prevention Act

On October 10, 2013, the *Skin Cancer Prevention Act (Tanning Beds)* received royal assent. This major all-party legislative achievement prohibits providing ultraviolet light treatments to persons under the age of 18. Under this legislation, it is illegal to advertise or market artificial tanning or ultraviolet light treatments to persons under the age of 18. Businesses or individuals who sell such services or treatments to adults would be required to notify their local Medical Officer of Health that they intend to do so, and to post signs in their businesses about the health effects of the services or treatments.

Skin cancer accounts for approximately one-third of cancers diagnosed in Ontario, and it is estimated to have resulted in an economic burden of more than \$344 million in 2011. With most people receiving much of their lifetime exposure of ultraviolet radiation (UVR) during childhood and adolescence, it is imperative that they avoid the additional burden of artificial UVR from tanning equipment at this age. UVR from tanning equipment is an established human carcinogen.

Recommendations on the Draft Regulations

On January 3, 2014, a plain language summary of the draft regulation under the *Skin Cancer Prevention Act (Tanning Beds)* was posted to the Regulatory Registry for a 45-day period for public and stakeholder comment. According to the summary, the proposed regulation intends to address definitions, identification,

advertising, marketing, signage and protective eyewear. Given the legislative requirement that public health units will be designated under the *Act* to enforce this legislation and in the absence of actual regulatory language, Health Unit staff prepared and submitted comments, attached as [Appendix A](#).

Adequate Funding for Public Health Units Is Required

The similar enforcement model for the tobacco regulations (Ontario Regulations 48/06) under the *Smoke-Free Ontario Act* provide an ideal model for the *Skin Cancer Prevention Act*. There is strong evidence that active surveillance from public health units is necessary to ensure compliance. Additionally, lessons learned from public health units' collective experience with tobacco legislation and regulations clearly illustrate that mandatory compliance visits, including youth access inspections, will increase compliance with such legislation. To fulfill this new mandate, local public health units will require additional funding from the Ministry of Health and Long-Term Care, as outlined in [Appendix B](#). In consultation with public health units, a funding model should be developed to support the following required activities:

- **Compliance monitoring:** youth access checks and mandatory inspections of facilities where tanning services or ultraviolet light treatments are offered
- **Staff and owner/operator training:** training of public health unit staff who will be responsible for compliance and enforcement activities, and the provision of training to operators/owners of tanning facilities
- **Registry development:** development of an electronic registry or database, including technical support and a set of required data fields so that statistics and reports can be generated locally, regionally and provincially to ensure accountability and to measure outcomes
- **Public education and promotion:** it is well documented in the literature that voluntary compliance with legislation increases when enactment is supported with the implementation of a creative and coordinated social marketing campaign that not only promotes the legislation but also promotes awareness of the dangers of tanning and exposure to ultraviolet radiation regardless of age.

Conclusion/Next Steps

Overexposure to ultraviolet radiation (UVR) from artificial sources (tanning beds) is a significant public health concern. The Ontario government has taken legislative action and has provided funding to public health units to protect youth from the promotion of and access to tobacco products. It is equally important that public health units are adequately funded to support the promotion and enactment of the *Skin Cancer Prevention Act* and regulations in order to protect children and youth from melanoma skin cancer and other health risks from the use of artificial tanning equipment.

This report was prepared by Ms. Lil Marinko, Public Health Nurse and Linda Stobo, Manager, Chronic Disease Prevention and Tobacco Control Team.



Christopher Mackie, MD, MHSc, CCFP, FRCPC
Medical Officer of Health

This report addresses the following requirement(s) of the Ontario Public Health Standards:
Foundations: Principles-1, 2, 4; Foundational Standard: 3, 8, 9, 10, 11, 12, 13; Chronic Disease Prevention – Ultraviolet Radiation Exposure: 1, 6, 7, 11