

South Australia

Radiation Protection and Control (Cosmetic Tanning Units) Regulations 2008

under the *Radiation Protection and Control Act 1982*

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Schedule 1—Forms

Legislative history

1—Short title

These regulations may be cited as the *Radiation Protection and Control (Cosmetic Tanning Units) Regulations 2008*.

2—Commencement

These regulations will come into operation on 14 March 2008.

3—Interpretation

In these regulations, unless the contrary intention appears—

AS/NZS 2635:2002 means *AS/NZS 2635:2002 Solaria for cosmetic purposes* as in force from time to time;

cosmetic tanning business means a business consisting of or involving the provision of a cosmetic tanning service;

cosmetic tanning service means a service of tanning human skin for cosmetic purposes by use of a tanning unit;

skin type 1 means fair skin that—

- (a) always burns and never tans when exposed to ultraviolet radiation; and
- (b) is often accompanied by red hair and freckles;

skin type 2 means fair skin that almost always burns when exposed to ultraviolet radiation and tans only slightly after repeated exposure to ultraviolet radiation;

skin type 3 means dark skin that seldom burns when exposed to ultraviolet radiation and tans increasingly after repeated exposure to ultraviolet radiation;

skin type 4 means dark skin that seldom burns when exposed to ultraviolet radiation and tans deeply and quickly when exposed to ultraviolet radiation;

tanning unit means electrically powered apparatus designed to produce tanning of human skin by exposure of the skin to ultraviolet radiation emitted by the apparatus;

ultraviolet radiation means radiation for which the wavelengths are within the range of 100 to 400 nanometres.

4—Application of regulations

These regulations apply only in relation to tanning units used to provide a cosmetic tanning service for fee or reward.

5—Prohibition on exposure of certain persons to ultraviolet radiation from tanning units

An operator of a tanning unit must not expose a person to ultraviolet radiation from the unit if—

- (a) the person is under the age of 18 years; or
- (b) the person's skin type is skin type 1.

Maximum penalty: \$10 000.

6—Prohibition on exposure of persons to ultraviolet radiation from tanning units without prior assessment of skin type and written consent

- (1) An operator of a tanning unit must not expose a person to ultraviolet radiation from the unit unless—
 - (a) the person's skin type is skin type 2, skin type 3 or skin type 4; and
 - (b) the person has given his or her written consent to the exposure in the form set out in Schedule 1.

Maximum penalty: \$10 000.

- (2) A person who carries on a cosmetic tanning business must ensure that a copy of a written consent is provided to the person who gave the consent.

Maximum penalty: \$5 000.

- (3) A person who carries on a cosmetic tanning business must retain a copy of each written consent for a period of at least 2 years and keep it readily available for inspection on request by an authorised officer.

Maximum penalty: \$5 000.

7—Limits on exposure of persons to ultraviolet radiation from tanning units

- (1) An operator of a tanning unit must not expose a person to ultraviolet radiation from the unit for a period of time that exceeds the limit determined in accordance with clause 3.1.2 of *AS/NZS 2635:2002* for the person's skin type.

Maximum penalty: \$10 000.

- (2) An operator of a tanning unit must not expose a person to ultraviolet radiation from the unit if the operator knows that—

- (a) the person has been exposed to ultraviolet radiation from a tanning unit within the preceding period of 48 hours; or
- (b) the person has been exposed to 3 MED of ultraviolet radiation from a tanning unit within the preceding period of 6 days.

Maximum penalty: \$10 000.

- (3) In this regulation—

MED (minimal erythema dose) means the minimum dose of ultraviolet radiation that, for a given skin type, may cause a perceptible reddening of the skin.

8—Requirement to ensure persons exposed to ultraviolet radiation from tanning units wear protective goggles

An operator of a tanning unit must ensure that, at all times while a person is exposed to ultraviolet radiation from the unit, the person is wearing protective goggles that comply with the requirements specified in paragraphs (a) to (d) inclusive of clause 3.2 of *AS/NZS 2635:2002*.

Maximum penalty: \$10 000.

9—Requirement to ensure not more than 1 person is using a tanning unit

An operator of a tanning unit must ensure that while the unit is in operation not more than 1 person is present within the unit or within any enclosure in which the unit is situated.

Maximum penalty: \$10 000.

10—Information to be given to Minister by persons carrying on cosmetic tanning businesses

- (1) A person who carries on a cosmetic tanning business must—
- (a) in the case of a business in existence immediately before the commencement of this regulation—within 60 days of that commencement; and
 - (b) in any other case—within 60 days of commencing to carry on such a business,

give written notice to the Minister of—

- (c) the person's full name and address; and

(d) the address of the premises at which cosmetic tanning services are provided by the business; and

(e) the number and type of tanning units used at the premises.

Maximum penalty: \$5 000.

- (2) A person who carries on a cosmetic tanning business must, within 30 days of any change occurring in the particulars required to be given under subregulation (1), inform the Minister in writing of the change.

Maximum penalty: \$5 000.

11—Requirements applying to tanning units etc

- (1) A person who carries on a cosmetic tanning business must not cause, suffer or permit a cosmetic tanning service to be provided by use of a tanning unit that does not comply with this regulation.

Maximum penalty: \$10 000.

- (2) A tanning unit complies with this regulation if—

(a) the erythmal effective ultraviolet irradiance of the unit does not exceed the limit specified in clause 2.1.1 of *AS/NZS 2635:2002*; and

(b) the emitting radiation of ultraviolet lamps in the unit are specified by the values specified in clause 2.1.2 of *AS/NZS 2635:2002*; and

(c) all ultraviolet lamps in the unit are mechanically screened from the possibility of unintentional contact with a client and the screening is of sufficient mechanical strength to withstand accidental impact; and

(d) the unit is not capable of being operated by a client other than to terminate or suspend a tanning session.

- (3) A person who carries on a cosmetic tanning business must ensure that—

(a) there is within the reach of a client using a tanning unit a means by which the client may terminate or suspend a tanning session; and

(b) there is a means by which the operator of a tanning unit may terminate a tanning session remotely; and

(c) a timing device that is accurate within ± 10 per cent for all settings is provided to enable a tanning session to be automatically terminated when the maximum exposure time permitted by these regulations is reached; and

(d) ultraviolet screening is provided to contain direct ultraviolet radiation emitted by a tanning unit to the area normally occupied by a client being exposed to such radiation from the unit; and

(e) if a client is exposed to ultraviolet radiation from a tanning unit in a standing position, there is at least 1 mechanism provided to support the client in that position; and

(f) a tanning unit is not used if any ultraviolet lamp in the unit has exceeded the manufacturer's recommended life expectancy as specified on a label on the unit or in the unit's user manual; and

- (g) if more than 1 tanning unit is installed in the same premises, each tanning unit is connected to a separate circuit breaker.

Maximum penalty: \$10 000.

- (4) In this regulation—

client means a person to whom a cosmetic tanning service is being provided for fee or reward;

erythema effective ultraviolet irradiance—the erythema effective ultraviolet irradiance of a tanning unit is the maximum value of biologically erythemally weighted irradiance within the total region likely to be occupied by a person using the tanning unit;

irradiance means a measure of ultraviolet radiation flux per unit area, expressed in watts per square metre;

tanning session means a period of time during which a tanning unit is in operation.

12—Warning notices to be displayed

- (1) A person who carries on a cosmetic tanning business must ensure that warning notices that comply with subregulation (2) are displayed in the premises where cosmetic tanning services are provided by the business in such a position as to be within the immediate view of every person entering the premises and every person entering an enclosure in which a tanning unit is situated.

Maximum penalty: \$10 000.

- (2) A warning notice must—

- (a) be at least 21 centimetres by 30 centimetres in size; and
- (b) be clearly legible; and
- (c) contain the following statements:

Exposure to ultraviolet radiation such as from a tanning unit contributes to the skin ageing process and may cause skin cancer.

The law prohibits the following people from being exposed to ultraviolet radiation from a tanning unit:

- people who have fair skin that always burns and never tans
- all people under 18 years of age.

Intentional exposure to the sun or a tanning unit should be avoided for 48 hours after exposure to ultraviolet radiation from a tanning unit.

Protective goggles must be worn at all times while you are being exposed to ultraviolet radiation from a tanning unit.

13—Copy of these regulations etc to be kept

A person who carries on a cosmetic tanning business must keep a copy of these regulations and AS/NZS 2635:2002 at the premises at which cosmetic tanning services are provided by the business.

Maximum penalty: \$5 000.

14—Maintenance and servicing of tanning units

The owner of a tanning unit must ensure that the unit is maintained and serviced in accordance with the manufacturer's recommendations.

Maximum penalty: \$10 000.

15—Record of sale of tanning unit to be made and kept

- (1) If a tanning unit is sold, the former owner of the unit must make a written record of the date on which the unit was sold and the name and address of the person to whom it was sold.

Maximum penalty: \$5 000.

- (2) A person must retain a record made by the person under subregulation (1) for a period of at least 2 years and keep the record readily available for inspection on request by an authorised officer.

Maximum penalty: \$5 000.

16—Records of maintenance etc of tanning units to be kept

- (1) An owner of a tanning unit must make a record detailing any maintenance or servicing of the unit and keep the record readily available for inspection on request by an authorised officer.

Maximum penalty: \$5 000.

- (2) If a tanning unit is sold, the former owner of the unit must—

- (a) retain any records relating to the maintenance and servicing of the unit for a period of at least 2 years after the sale and keep the records readily available for inspection on request by an authorised officer; and
- (b) give the new owner of the unit a copy of records relating to any maintenance and servicing of the unit undertaken in the period of 2 years preceding the sale.

Maximum penalty: \$5 000.

17—Prohibition on claims of therapeutic health benefits from use of tanning units

A person must not make any representation or claim of a therapeutic health benefit from the use of tanning units.

Maximum penalty: \$10 000.

Schedule 1—Forms

Form 1—Consent to exposure to ultraviolet radiation from tanning unit

CONSENT TO EXPOSURE TO UVR FROM A TANNING UNIT							
Date:							
CLIENT INFORMATION							
Full Name:			DOB:				
Address:							
SUBURB:		POSTCODE:					
Phone: (h)		(w)		(m)			
Email:							
PLEASE CAREFULLY READ THE FOLLOWING INFORMATION:							
1. EXPOSURE TO ULTRAVIOLET RADIATION (UVR) SUCH AS THAT FROM A TANNING UNIT CONTRIBUTES TO THE SKIN AGEING PROCESS AND MAY CAUSE SKIN CANCER.							
2. A person must be at least 18 years of age to use a tanning unit.							
3. People with fair skin (Skin Type 1) are banned from using a tanning unit.							
4. A person who has been exposed to UVR within 48 hours prior to this session will be banned from using a tanning unit. A person must not be exposed to UVR for at least 48 hours after a session.							
5. Protective goggles must be worn <u>at all times</u> whilst undergoing exposure to UVR.							
HEALTH INFORMATION (please circle)							
Have you previously been treated for solar keratosis or skin cancer?						Y	N
Are you pregnant?						Y	N
Are you wearing cosmetics?						Y	N
Are you taking (by mouth or application to skin) any medication?						Y	N
<small>(Many medications have the potential to increase photosensitivity - eg antibiotics, anti-inflammatories - consult your medical practitioner or pharmacist about your medication before using a tanning unit).</small>							
SKIN TYPE TEST							
Score	0	1	2	3	4	Total	
Genetic Predisposition							
What is the colour of your eyes?	Light Blue, Gray or Green	Blue, Gray or Green	Blue	Dark Brown	Brownish Black		
What is the natural colour of your hair	Sandy/Red	Blonde	Chestnut/ Dark Blonde	Dark Brown	Black		
What is the colour of your skin (non-exposed areas)	Reddish	Very Pale	Pale with Beige Tint	Light Brown	Dark Brown		
Do you have freckles on unexposed areas	Many	Several	Few	Incidental	None		
					Score		
Reaction to Sun Exposure							
What happens when you stay in the sun too long?	Painful redness, blistering, peeling	Blistering followed by peeling	Burns sometimes followed by peeling	Rare burns	Never had burns		
To what degree do you turn brown?	Hardly or not at all	Light colour tan	Reasonable tan	Tan very easy	Turn dark brown quickly		
Do you turn brown within several hours after sun exposure?	Never	Hardly ever	Sometimes	Often	Always		
How does your face react to the sun?	Very sensitive	Sensitive	Normal	Very resistant	Never had a problem		
					Score		
Tanning Habits							
When did you last expose your body to sun/ tanning unit/ tanning cream?	More than 3 months ago	2 - 3 months ago	1 - 2 months ago	Less than a month ago	Less than 2 weeks ago		
Did you expose the area to be treated to the sun?	Never	Hardly ever	Sometimes	Often	Always		
					Score		
Skin Type Score		Fitzpatrick Skin Type					
0 - 7		I					
8 - 16		II					
17 - 25		III					
25 - 30		IV					
Over 30		V - VI					
Your total Skin Type score is:							
Your Skin Type number is:							
Your maximum exposure time is: minutes							
"I,, (print your full name), declare that I am at least 18 years of age and have read and understood the above information and voluntarily accept the risks associated with exposure to UVR.							
Signed:			Date:				
"I,, (print your full name), of, (print business name), declare that I have informed the above client of the health risks associated with UVR exposure, and have fully assessed their skin type."							
Signed:			Date:				

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2008	23	<i>Gazette</i> 28.2.2008 p763	14.3.2008: r 2