

Public Health (Sunbeds) Act 2014 - FAQs

The aim of these frequently asked questions (FAQs) is to provide the public with information regarding the Public Health (Sunbeds) Act 2014 (the Act). As interpretation of the law is a matter for the Courts, this document is intended to provide general information on sunbed legislation and should not be construed as legal advice. It is without prejudice to any other legal obligations under criminal or civil law.

What is the rationale behind this new legislation?

The primary policy objectives of the Public Health (Sunbeds) Act 2014 are to:

- protect children and those under 18 years of age from the risk of skin damage, in view of their increased risk of developing skin cancer;
- regulate the use of sunbeds by those over 18 years of age so as to reduce their likelihood of developing skin cancer, premature ageing, damage to their eyes and other health risks from exposure to ultra-violet radiation (UVR); and
- generally promote a greater public awareness across all age groups, with a long term view to reduce the incidence of skin cancers.

What are the main provisions of the Act and when will they come into effect?

From 21 July 2014, it will be an offence for an owner, manager or employee of a sunbed business to:

- sell or hire a sunbed to any person under 18 years of age;
- permit a person under 18 years of age to use a sunbed on a sunbed premises;
- sell the use of a sunbed on a sunbed premises to a person under 18 years of age ;
- permit a person under 18 years of age to be in a restricted area except where employed or providing services (e.g. maintenance).

Other provisions of the legislation will be implemented at a later date including:

- requiring sunbed operators to provide protective eyewear for clients using sunbeds;
- requiring information on the risks and dangers of sunbed use to be made available to potential clients in written form prior to using, hiring or purchasing a sunbed;
- a ban on certain promotional practices (e.g. early bird or “two for the price of one” offers); and
- prohibiting sunbed operators from making health claims for sunbed use unless such claims are approved by the Minister.

Does the Act apply to the use of sunbed in the home as well as in tanning shops?

The Act does not apply to the use of sunbeds in a private dwelling but applies to –

- the use of a sunbed on a 'sunbed premises' ("*premises where a sunbed business is carried on*"),
- the sale or hire of sunbeds (this will include it being an offence to sell or hire a sunbed to persons under 18 years of age for use in a private dwelling),
- the advertising or promotion of the use, sale or hire of sunbeds.

The Act also applies to remote sale or hire of sunbeds (Section 12)

Who will enforce the legislation?

- The Environmental Health Officers (EHO) of the Health Service Executive are responsible for the enforcement of the legislation.

Where can I contact the EHO to make a complaint?

For further information or enquiries regarding enforcement or to make a complaint please contact the National Office of the Environmental Service of the HSE at ehnationaloffice@hse.ie, phone +353(0)45 880 442.

For further information regarding the Act please contact the Environmental Health Unit of the Department of Health at EHU@health.gov.ie, phone +353(0)1 635 4184.

What are the offences for non-compliance?

A person who commits an offence under the Act is liable on summary conviction for:

- a first offence to a Class B fine (not exceeding €4,000) or imprisonment for up to 6 months, or both;
- a second or subsequent offence is a Class A fine (not exceeding €5,000) or imprisonment for up to 12 months, or both.

Statistics

- According to figures produced by the National Cancer Registry there were over 10,000 cases of skin cancer in 2011 in Ireland.
- There are over 850 new cases of melanoma in Ireland each year.
- Over 150 Irish people die each year from melanoma.
- There were over 7,000 people alive with this type of cancer in 2011.
- Data from the HSE indicates that the cost of treating skin cancer ranges from €6,000 to €10,000 per patient depending on the complexity of the disease. Recently new high oncology drugs such as Ipilimumab and Vemurafenib (an oral BRAF inhibitor) have become available for patients with progressive melanoma. The cost of these treatments can range from €50,000 to €100,000 per patient. There are around 60-80 patients per year with such advanced melanomas.
- The incidence of cancer in Ireland is expected to double by 2040 and the fastest growing number of cancers are expected to be skin cancers.