

Sunbeds Bill 2012
First Reading approved

3. Mr Turner to move:

That the Sunbeds Bill 2012 be now read a first time.

The President: We move to Item 3, the Sunbeds Bill 2012. Mr Turner to move, please.

Mr Turner: Thank you, Madam President.

This Bill is a stand-alone Bill. The provisions initially started life in the Public Health (Amendment) Bill, which has been on the legislative programme for some time. It introduces provisions for the control of sunbeds, particularly for the under-18s.

There has been a proliferation of unmanned sunbed salons in recent years and advice given to those operating them has largely been ignored. The World Health Organisation recommended in 2005 that no-one under the age of 18 should be using a sunbed and that guidelines and legislation to reduce the risks associated with sunbed use was required. A growth in the availability of sunbeds, combined with the desire and fashion to have a tan, are considered to be the prime reasons for increased incidences of skin cancer in developed countries.

The Bill is intended to protect the future health of young people on the Island by regulating the use of sunbeds and ensuring that detailed guidelines are in place. This Bill is promoted by the Department of Environment, Food and Agriculture, who are the Department behind this Bill.

Madam President, I beg to move that the Bill be read a first time.

Mr Butt: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Yes, a very worthy piece of legislation. The question I would ask at this Reading, before we go into the later stages of the Bill, is is the Department of Education proposing to give some advice to young people in schools as to the dangers of sunbeds under 18? It is all very well having the operators licensed and a notice on the wall, but surely some education to the children at the point of their schooling should be proposed.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

Although the Department of Agriculture and Food are promoting this Bill, it does have the support of the Department of Health and the Public Health department in particular. They have been in quite an aggressive campaign over the last few years with Education to go round the primary schools with a very strong message about being safe in the sun, on a regular basis, and really this Bill will actually help to reinforce the message as children get older, to actually protect them from the effects of skin cancer, which can be very aggressive and some forms of it are basically incurable and can cause great harm.

The message from Health is please be careful when you are in the sun. Alternatively, another message from Health is that you need to take vitamin D supplements because we are so far north we do not get enough sun. There is a bit of a conflict of interests here and you have got to balance the two. You need to go out in the sun every so often to get some vitamin D, but because we do not get enough, take vitamin D tablets as well.

Mr Turner: The right sort of sun.

Mr Butt: The right sort of sun. Yes, there is a campaign between Public Health and Education to make sure that primary school children certainly know the risks of being in the sun, but this Bill will hopefully help to reduce the teenage people actually being involved in such a process.

The President: Hon. Member, Mr Callister.

Mr Callister: Thank you, Madam President.

There is one element of this that I am just looking at now, which says it will prohibit the use of sunbeds by persons under the age of 18. As the proof-of-age cards are now disbanded by the Office of Fair Trading, who were providing those at one point and now do not do so – there is no statutory requirement for them to do so... However, the Department of Home Affairs are, I am told, dealing with this matter, and if this strict 18 is

included here, then somebody somehow is going to have to know whether that person is under 18 or not. I do not know what the system is that they will find out. The Police would have to request some kind of document, I guess, if they were brought into the situation under clause 13.

So it is something that I think needs to be thought about, Madam President. However, it is a Private Member's Bill and it does not come under the auspices of any particular Department, unless it is perhaps under Education and Children.

Thank you, Madam President.

Mr Turner: It is not a Private Member's Bill.

The President: The Hon. Member, Mr Wild.

Mr Wild: Just to reinforce, I think it is a worthy piece of legislation and we need to make sure that the educational side extends to the secondary schools and the college, and just to express surprise it perhaps did not come through the Department of Health. It is an interesting route, but nonetheless it is a worthy piece of legislation.

Thank you.

The President: Mr Braidwood.

Mr Braidwood: Thank you, Madam President.

Very supportive of the Bill. I believe there were two salons who opened and I think had closed in Douglas in quite a short time. Again, following on from other comments, it is educational. I believe at times younger people do not know the consequences of the damage which can be caused by sunbeds and ultraviolet light. So, again, it is educational, to say too much sun, going onto sunbeds, apart from being burnt with the lamps as well, it is the problem where cancer can be started by use of this equipment. So, supportive.

The President: The mover to reply.

Mr Turner: Thank you, Madam President, and I would like to thank all Members for their support and comments in the debate this morning.

Hon. Members will note that I asked the Department to circulate an information sheet, which I hope they have found useful in the run-up to today and also as we go through the next stages of this Bill. This is actually a Department Bill from the Department of Environment, Food and Agriculture; it is not actually a Private Member's Bill.

Just to answer the point from Mr Wild about why it was not the Department of Health, in the UK this is a regulation issue rather than a health issue, which is the knock-on effect of misuse, so the regulation of these establishments is carried out by the Health and Safety Executive. In the case of the Isle of Man, the Department of Environment, Food and Agriculture looks after those sort of safety parts, so that is why DEFA is the appropriate place to deal with the regulation of sunbed salons.

I think it is fair to say there has been extensive publicity over the years. Mr Butt mentioned the Safe in the Sun campaign, which I know the Department of Health roll out every year, although I do not think this year, with the lack of sun, they have had much cause to do it, but it is a serious issue and of course people do go on holiday, and again we want to make people aware. There is always a tendency, particularly with the teens and the younger teens, that even if they are going on holiday to somewhere in the sun, they want to actually get a tan before they go, and that is where you see them going into these unmanned salons. That really is where the concern is coming from, because the unmanned salons are where the real damage can be done, and in some cases that damage to the body can be eventually irreparable.

What the Bill aims to do is also bring in a provision where the salons have to be manned, so the days of the unmanned salons where people could go in and help themselves completely unsupervised, nobody on the premises, those days are numbered.

People who know me know I am not the biggest fan of regulation. I think there should be a soft touch to regulation, but in cases such as this, where there are proven health risks, then this is definitely an area where regulation is right.

Members will not be surprised to hear that the industry has not welcomed this Bill, but as I mentioned in the opening speech, advice that has been given to the industry has been ignored, so I would suggest that self-regulation has been tried and has failed and it is with this proof that the Department feels the need now to bring this in. These provisions are in in other jurisdictions, and for good reason. There have been some pretty shocking tales of young people who do not understand the risks, as well as adults, who have been severely injured, and some of that information that I have circulated goes into that.

Mr Callister was asking how are they going to deal with the policing of the age. I suppose it is like any other issue where an operator has to prove age, whether it be off-licences, bars etc. The onus is on the operator to get proof that the person using the facility is of age. That could be with a driving licence, passport... The burden is on them to do that and to ensure that that person... and if the operator is not satisfied that person is of sufficient age to use the facility, then they must decline use of the facility. Like we read in the papers about alcohol being sold to underage, I think we will never be able to stop that. There will always be those who slip through the net, and I am sure with something like this there will also be the cases, but the important thing is that the Department has the best legislation to be able to enforce it as best they can, and hopefully it will save a lot of people in the future going forward. I did ask the question, when I was asked by the Department to move this Bill in Council, if there had been any cases of youngsters being injured, and thankfully they are not aware of any at the moment, but the fact that they are not aware of any is not a reason not to progress this legislation. I think it is the right thing to do and I think it is something we should have. The industry will have to adapt, because ultimately it will be the Department of Health that will have to pick up the treatment of these people, and more importantly we do not want people to be in the position where they need the treatment in the first place.

So I thank Members for their support, Madam President, and I beg to move that the Bill be read a first time.

The President: The motion is that the Bill be read a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.