# Submission formReducing Harm from Commercial Sunbeds: Consultation document

The closing date for submissions is: **5 pm**, **Friday 12 February 2016.**

Submitters are encouraged to make submissions by email, using this response form, to:

sunbeds@moh.govt.nz

Alternatively, your completed form can be mailed to:

Sunbed Consultation
Environmental Health Team
Ministry of Health
PO Box 5013
Wellington 6145

### Protection of commercially sensitive information

Public reporting on this consultation will seek to avoid prejudice to the commercial position of respondents who provide commercially sensitive information. Submitters are therefore asked to clearly indicate any information they wish to have treated as confidential commercially sensitive information.

### Declaration of interests

All submitters are asked to declare any financial or other interests they may have in businesses associated with the artificial UV tanning industry, or any other business venture that may be affected, positively or negatively, as a result of the proposals contained within this document. Other stakeholders are asked to provide a short statement or explanation of the purpose or focus of any organisations they represent that have an interest in the proposals.

### Official Information Act 1982

Your submission and any correspondence you send to the Ministry may be requested by a person under the Official Information Act 1982 (the Act). If there is any part of your submission that you consider should be properly withheld under the Act, please make this clear in your submission, noting the reasons why you would like the information to be withheld (eg, you may consider some information to be commercially sensitive).

If information from your submission is requested under the Act, the Ministry is obliged by law to handle such information in accordance with the Act. In many cases this will mean that we will have to release your submission and supporting information to the person who requested it, unless there is a justifiable reason for withholding this information under the Act.

### No obligation to respond to all questions

Please feel free to respond to only the questions you wish to.

## Consultation questions

### Problem definition

#### For businesses supplying sunbed services or sunbeds

To enable the Ministry to assess the potential impacts on industry if regulations are developed, we would like your feedback on the following questions.

1. What sort of services does your business provide/undertake (eg, import or manufacture of sunbeds; provision of sunbed services at your premises or as a mobile service; rental of sunbeds for use in private homes)?

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2. Is the commercial supply of sunbed services the sole focus of your business?

[ ]  Yes

[ ]  No

If not, what is the main focus of your business (eg, beauty salon, gym)?

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3. How many people do you employ in the provision of sunbed services?

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4. What proportion of your business revenue comes from the provision of sunbed services (and, if you are willing to divulge this information, what is your annual revenue in $NZ from those services)?

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| **Proportion of business revenue fromprovision of sunbed services** | **Annual revenue from sunbed services** |
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5. To how many people would you provide sunbed services? (Feel free to advise on the basis of an average per week, per month or per year.)

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6. How many sunbed tanning sessions would a client typically have over a period of a month? Three months? A year?

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| **A month** | **Three months** | **A year** |
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7. How many UV devices (sunbeds or other) do you have on your premises?

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8. Are you aware of any other data on the commercial provision of sunbed services in New Zealand?

[ ]  Yes

[ ]  No

Please comment below.

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9. Are you aware of any data on the **private** use of sunbeds in New Zealand?

[ ]  Yes

[ ]  No

Please comment below.

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#### For businesses that hire out sunbeds

10. How many UV devices (sunbeds or other) do you own?

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11. How many people would hire sunbeds each year, and what would be a common period of time a person would hire a sunbed for?

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| **How many people hire sunbeds each year?** | **Common period of time sunbeds hired for** |
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12. How many staff do you have in your business?

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13. When hiring out sunbeds, what do you do to minimise risks for users of those sunbeds?

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#### For the public

14. Do you use sunbed services?

[ ]  Yes

[ ]  No

*If your answer to question 14 is yes:*

15. What is your age?

[ ]  Under 18

[ ]  18−35 years

[ ]  36−50 years

[ ]  Over 50

16. How often do you use sunbed services? (Feel free to report use by number of times per week, month or year.)

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17. Where do you usually receive sunbed services (eg, in your home by way of your own sunbed; or from a business that brings a sunbed to your home; or at sunbed premises that you visit for tanning sessions)?

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18. Do you consider you have a good understanding of the risks of UV tanning?

[ ]  Yes

[ ]  No

19. Have you considered using, or have used, alternative tanning methods (eg, spray tans or self-applied tans)?

[ ]  Yes

[ ]  No

If not, why have you not considered or used these alternative tanning methods?

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#### For everyone

20. Do you have an opinion, or any further points to add, regarding the Problem Definition outlined above?

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### Policy objective

21. Do you support the stated policy objective and assessment criteria outlined above?

[ ]  Yes

[ ]  No

Why / why not?

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22. Are there other policy objective(s) or assessment criteria that you think should apply as well/instead?

[ ]  Yes

[ ]  No

If yes, what objectives and/or criteria would you support?

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### The proposal

#### Component 1: Licensing

23. Do you support the licensing of businesses that provide sunbed services on a commercial basis?

[ ]  Yes

[ ]  No

Why/why not?

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24. If you support licensing, do you support an approach of licensing both sunbed premises and operators?

[ ]  Yes

[ ]  No

Why/why not?

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25. If you support licensing, do you support licensing businesses that hire out sunbeds, and operators who set up sunbeds in a private hire situation?

[ ]  Yes

[ ]  No

Why/why not?

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26. If you do not support the proposed approach to licensing described above, but do support licensing, is there an alternative form of licensing that you would prefer?

[ ]  Yes

[ ]  No

If so, please provide details.

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27. Do you think the scale of proposed licence fees proposed in the consultation document is reasonable?

[ ]  Yes

[ ]  No

If not, what are reasonable licensing fees?

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28. Do you support the detail of the proposed licensing scheme, as set out above?

[ ]  Yes

[ ]  No

Please advise what you do and do not support, and why/why not.

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##### For businesses

29. What mechanism would you prefer to use to apply for a licence (eg, online application form, paper-based form provided by mail, other?)

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#### Component 2: Mandatory operational practices

##### Training

30. Would you support training being a core focus of the mandatory operational practices?

[ ]  Yes

[ ]  No

Why/why not?

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31. Which approach(es) to training would you support? Why?

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| **Approach(es) to training you would support** | **Reasons** |
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32. Do you think the scale of proposed training fees is reasonable?

[ ]  Yes

[ ]  No

If not, what are reasonable fees?

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##### Exclusion of certain persons from service

33. Do you support the proposed list of people who should be strongly discouraged from using sunbed services provided by licensed operators?

[ ]  Yes

[ ]  No

If not, why not?

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Do you prefer another approach?

[ ]  Yes

[ ]  No

34. It is currently proposed that people with skin type I and skin type II should be strongly discouraged from accessing sunbed services and hired sunbeds. Do you support this?

[ ]  Yes

[ ]  No

If yes, what suggestions do you have for supporting compliance with this requirement?

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##### Mandatory operational requirements

35. Which proposed operational practices outlined in the consultation document do you support or oppose? Why/why not?

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| **Proposed operational practices you support** | **Reasons** |
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| **Proposed operational practices you oppose** | **Reasons** |
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36. Are there other controls that you believe should apply?

[ ]  Yes

[ ]  No

What are they and who would be subject to these controls?

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| **Other controls you believe should apply** | **Who would be subject to these controls** |
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#### Implementation of regulations

37. Which agencies should be responsible for monitoring and ensuring compliance with the regulations: public health units or territorial authorities?

[ ]  Public health units

[ ]  Territorial authorities

Why?

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38. Are the proposed transition periods reasonable to allow businesses and operators to ensure compliance with the regulations?

[ ]  Yes

[ ]  No

If not, what transition periods would be appropriate?

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39. Please detail below any other support needs for businesses that we have not set out in the consultation document.

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### Alternative policy options

40. This consultation document proposes the implementation of option 3 (regulations introducing licensing and mandatory operational practices). However, please indicate if you would support one or more of the following options instead, and if so, why:

* option 1: maintain the status quo − voluntary compliance
* option 2: active campaign to discourage the use of sunbeds
* option 4: ban the provision of commercial sunbeds
* option 5: ban the importation, manufacture, sale and rental of sunbeds for commercial, and possibly private, use.

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| **Other option(s) you would support** | **Reason** |
|  | **Yes** | **No** |
| Option 1: maintain the status quo − voluntary compliance | [ ]  | [ ]  |       |
| Option 2: active campaign to discourage the use of sunbeds | [ ]  | [ ]  |       |
| Option 4: ban the provision of commercial sunbeds | [ ]  | [ ]  |       |
| Option 5: ban the importation, manufacture, sale and rental of sunbeds for commercial, and possibly private, use | [ ]  | [ ]  |       |

41. If you do not support the proposals set out in this paper, or the other options considered by the Ministry, what approach would you support instead?

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### Infringement notices

42. Do you support the proposed infringement notice penalty of $250 for an individual and $500 for a body corporate?

[ ]  Yes

[ ]  No

Why/why not?

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43. If you do not support the proposed infringement notice penalty, what would you propose instead?

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### Impacts

44. Please detail below any other impacts, positive or negative, that are not listed in the consultation document. Who do they affect?

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| **Other impacts** | **Who do they affect?** |
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#### For businesses

45. What impacts would the proposed regulations (option 3) have on your business? Please provide estimates, in $NZD, of the following costs, and any other impacts:

* costs of complying with licensing (time taken to learn about requirements, apply for licences for both the premises and operators, etc)
* establishment costs of complying with the mandatory operational practices (cost of learning what is required, developing forms, establishing record-keeping systems, changing practices, signage, etc)
* ongoing costs of ensuring compliance with the mandatory operational practices (this may be monetary costs, increased employment costs, etc)
* effects on the number of staff in your business
* costs of all operators requiring training
* any other costs or impacts.

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| **Impacts of proposed regulations** | **Estimate of costs** | **Other impacts** |
| Costs of complying with licensing |       |       |
| Establishment costs of complying with the mandatory operational practices |       |       |
| Ongoing costs of ensuring compliance with the mandatory operational practices |       |       |
| Effects on the number of staff in your business |       |       |
| Costs of all operators requiring training |       |       |
| Any other costs or impacts |       |       |

46. What would the costs be if any of the other options were considered (ie, options 1, 2, 4 or 5)? Please provide an estimate of financial costs, impacts on employment, time taken to comply, etc. However, if it is not possible to provide such detail, please provide a statement on how costly it would be, and what impacts would otherwise occur, for each option, *relative to the preferred option* (option 3).

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| **Other option(s)** | **Impacts** |
| Option 1: maintain the status quo − voluntary compliance |       |
| Option 2: active campaign to discourage the use of sunbeds |       |
| Option 4: ban the provision of commercial sunbeds |       |
| Option 5: ban the importation, manufacture, sale and rental of sunbeds for commercial, and possibly private, use |       |

#### For users of sunbeds

47. What impacts do you think the proposed regulations would have on you?

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48. If, instead of the controls proposed in the consultation document, there was a total ban on the provision of sunbed services, what would your response be?

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### Implementation, monitoring, evaluation and review

49. Are there any other areas of implementation, monitoring, evaluation or review that the Ministry needs to consider?

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### Other comments

If you wish to provide additional information, you are welcome to include this with your submission.

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