

# House of Representatives

# Supplementary Order Paper

Wednesday, 20 May 2015

## Health (Protection) Amendment Bill

### *Proposed amendments*

Hon Annette King, in Committee, to move the following amendments:

#### *Clause 2*

Replace *clause 2* (page 5, lines 1 to 3) with:

#### **2 Commencement**

- (1) **Section 13A** comes into force 3 years after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force 6 months after the date on which it receives the Royal assent.

#### *Clause 13*

In *clause 13*, new *Part 5*, replace new sections 113 and 114 (page 36, line 15 to page 37, line 15) with:

#### **113 Interpretation**

In this Part, unless the context otherwise requires, **artificial UV tanning services** means the provision, for payment or other consideration, of ultraviolet (UV) radiation via sunbeds, sunlamps, or any other device that emits UV radiation.

#### *Ban on provision of services to persons under 18 years*

#### **114 Ban on providing artificial UV tanning services to persons under 18 years**

- (1) This section applies to owners and operators of premises providing artificial UV tanning services.

- (2) The owner or operator must not provide artificial UV tanning services to a person under the age of 18 years.
- (3) A person who contravenes **subsection (2)** commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$10,000.
- (4) **Subsection (2)** does not apply to a person who provides artificial UV tanning services to a person at a hospital if a medical practitioner prescribed the services for the purpose of medical treatment.

*New clause 13A*

After *clause 13* (page 38, after line 33), insert:

**13A Cross heading and section 114 replaced (Ban on providing artificial UV tanning services to persons)**

Replace cross heading above section 114 and section 114 with:

*Artificial tanning services permitted for medical purpose only*

**114 Artificial UV tanning services for medical purpose only**

- (1) This section applies to owners and operators of premises providing artificial UV tanning services.
- (2) The owner or operator must not provide artificial UV tanning services.
- (3) A person who contravenes **subsection (2)** commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$10,000.
- (4) **Subsection (2)** does not apply to a person who provides artificial UV tanning services to a person at a hospital if a medical practitioner prescribed the services for the purpose of medical treatment.

**Explanatory note**

This Supplementary Order Paper amends *clause 13* of the Bill by replacing *new sections 113 and 114*. The World Health Organisation classified tanning beds as carcinogenic in 2009 and estimated that sunbed use before the age of 35 increases the risk of melanoma by 75%. On average, 325 New Zealanders will die from melanoma every year. The replacement provisions proposed by this Supplementary Order Paper restrict the use of artificial UV tanning services for medical purposes only. The com-

mencement date of the proposed *new section 114* is 3 years after the Bill has received Royal assent to allow owners and operators of artificial UV tanning services to phase out their services. During that 3 year period provision of artificial UV tanning services would only be permitted to persons 18 years or older.