

Legislative
Assembly
of Ontario



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Bill 205

**An Act with respect to digitally altered or retouched photographs and videos,
the recognition of actions related to eating disorders
and the establishment of an eating disorder awareness campaign**

Mr. Y. Baker

Private Member's Bill

1st Reading March 6, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Combatting Eating Disorders in Ontario Act, 2018*.

Section 2 applies to persons who publish certain photographs or videos for a commercial purpose in which a person's image has been digitally altered or retouched. They are required to ensure that the photograph or video contains text indicating that it has been altered or retouched. This does not apply to persons engaged in the commercial film, television or video industry.

Section 3 provides for the appointment of inspectors and for the making of complaints.

Section 4 requires the Minister of Government and Consumer Services to review regulations related to the commercial film, television and video industry and make recommendations. This may include recommendations to include disclaimers similar to those required by section 2.

Section 5 requires the Minister of Government and Consumer Services to conduct an annual eating disorder awareness campaign.

Section 6 allows the Minister of Health and Long-Term Care to give awards to persons that have taken meaningful action to reduce the prevalence of eating disorders.

Section 7 sets out the Minister of Government and Consumer Service's regulation-making powers.

**An Act with respect to digitally altered or retouched photographs and videos,
the recognition of actions related to eating disorders and
the establishment of an eating disorder awareness campaign**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“Minister” means the Minister of Government and Consumer Services or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means regulations made under this Act. (“règlements”)

Alteration or retouching of videos or images

2 (1) This section applies to photographs or videos in which a person’s image has been digitally altered or retouched to,

- (a) alter the shape of the person’s body;
- (b) alter the person’s skin tone or complexion;
- (c) alter the person’s hair or face; or
- (d) otherwise alter the person’s physical characteristics.

Publication

(2) Every person who publishes a photograph or video described in subsection (1) for a commercial purpose shall ensure that the photograph or video prominently displays the text set out in the regulations indicating that it has been altered or retouched, unless the photograph or video is exempted by the regulations.

Text characteristics

(3) The text required by subsection (2) must be displayed in a manner that is easily legible, apparent and comprehensible and in accordance with the regulations.

Record to be retained

(4) A copy of the unaltered or unretouched version of the photograph or video referred to in subsection (1) and published for a commercial purpose shall be maintained in accordance with the regulations and provided to an inspector appointed under subsection 3 (1) on request.

Exception

(5) This section does not apply to persons engaged in the commercial film, television or video industry.

Offence

(6) Every person who contravenes this section is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not more than \$25,000;
- (b) for a second offence, to a fine of not more than \$50,000; and
- (c) for a third or subsequent offence, to a fine of not more than \$75,000.

Inspectors

3 (1) The Minister may appoint inspectors who may perform inspections, in accordance with the regulations, for the purposes of determining compliance with this Act and the regulations.

Complaints

(2) Any person may complain about an alleged contravention of this Act or the regulations in accordance with the regulations.

Review of regulations

4 (1) The Minister shall, within one year of the day this Act comes into force, conduct a review of all regulations in Ontario related to the commercial film, television and video industry and may make recommendations to amend the regulations to,

- (a) require disclaimers related to the digital alteration or retouching of persons to be included in film, television or video content; or
- (b) make other changes to ensure that film, television and video content do not promote unrealistic or unhealthy body image standards.

Publication

(2) The Minister shall publish the recommendations on a website of the Government of Ontario.

Eating disorder awareness campaign

5 The Minister shall conduct an annual eating disorder awareness campaign with an emphasis on promoting healthy perceptions of body image and beauty.

Awards re: reduction in prevalence of eating disorders

6 The Minister of Health and Long-Term Care may issue awards to persons, in accordance with the regulations, if he or she determines that they have taken meaningful action to reduce the prevalence of eating disorders.

Regulations

7 The Minister may make regulations,

- (a) prescribing anything required to be or referred to in this Act as being prescribed by the regulations;
- (b) prescribing and governing the text that must be displayed in photographs or videos described in subsection 2 (1);
- (c) exempting photographs or videos that are not being used to advertise a product or service from the application of section 2;
- (d) governing the retention, maintenance and disposal of the records required by subsection 2 (4);
- (e) governing the powers and duties of inspectors appointed under subsection 3 (1);
- (f) establishing and governing the process for making a complaint under subsection 3 (2);
- (g) establishing and governing the awards described in section 6.

Commencement

8 This Act comes into force one year after the day it receives Royal Assent.

Short title

9 The short title of this Act is the *Combatting Eating Disorders in Ontario Act, 2018*.