

9110--A

2009-2010 Regular Sessions

I N   A S S E M B L Y

August 17, 2009

---

Introduced by M. of A. WEISENBERG, MILLMAN, SPANO, CASTRO, JAFFEE, ROSENTHAL, STIRPE, ESPAILLAT, GALEF -- Multi-Sponsored by -- M. of A. BOYLAND, BURLING, CALHOUN, COOK, CRESPO, ERRIGO, GIBSON, JOHN, MAISEL, MARKEY, MAYERSOHN, McDONOUGH, McKEVITT, MENG, MOLINARO, NOLAN, OAKS, RAIA -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the use of ultraviolet radiation devices by persons under eighteen years of age

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 3555 of the public health law, as added by chapter  
2     573 of the laws of 2006, is amended to read as follows:  
3     S 3555. Restrictions on the use of ultraviolet radiation devices. 1.  
4     No owner, operator, or employee of a tanning facility shall permit the  
5     use of the tanning facility by a person eighteen years of age or older  
6     until such person provides a driver's license or other photographic  
7     identification card issued by a government entity or educational institution  
8     indicating that the individual is at least eighteen years of age  
9     and the facility has on file a signed written statement, in a form  
10    prescribed by the commissioner, acknowledging that such person has read  
11    the warnings required under subdivision two of section thirty-five  
12    hundred fifty-four of this article and agrees to wear safety goggles  
13    before using an ultraviolet radiation device. Such signed statement of  
14    acknowledgment may be retained by the tanning facility off premises  
15    provided that an electronic image or facsimile of the original signed  
16    statement of acknowledgment is readily available by the owner or employee  
17    responsible for the operation of the ultraviolet radiation device of  
18    such facility.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10575-03-0

1 2. [No owner, operator, or employee of a tanning facility shall permit  
2 the use of an ultraviolet radiation device by a person fourteen to eigh-  
3 teen years of age until such person provides the tanning facility with  
4 the written consent, in a form prescribed by the commissioner, of a  
5 parent or legal guardian to use such tanning facility. The parent or  
6 legal guardian shall sign such consent form in the presence of the owner  
7 of the tanning facility or an employee responsible for the operation of  
8 the ultraviolet radiation device of such facility indicating that such  
9 parent or guardian has read the warnings required under subdivision two  
10 of section thirty-five hundred fifty-four of this article and that the  
11 person fourteen to eighteen years of age agrees to wear safety goggles  
12 before using an ultraviolet radiation device. Such original written  
13 consent shall be retained by the tanning facility for a period of twelve  
14 months and may be retained off premises provided that an electronic  
15 image or facsimile of the original signed consent form is readily avail-  
16 able by the owner or employee responsible for the operation of the  
17 ultraviolet radiation device of such facility.

18 3. A written consent form signed by a parent or legal guardian pursu-  
19 ant to subdivision two of this section shall expire twelve months from  
20 the date it is signed by the parent or legal guardian. Upon the expira-  
21 tion of a written consent form, a new written consent shall be provided  
22 in the manner prescribed in subdivision two of this section prior to the  
23 use of an ultraviolet radiation device by any person fourteen to eigh-  
24 teen years of age.

25 4.] No owner, operator, or employee of a tanning facility shall permit  
26 the use of an ultraviolet radiation device by persons under [fourteen]  
27 EIGHTEEN years of age.

28 [5.] 3. This section shall be exclusive and shall preempt any contrary  
29 local law or ordinance, except that this section shall not preempt or  
30 supersede local laws or ordinances imposing additional stricter  
31 restrictions on the use and operation of ultraviolet radiation devices  
32 at tanning facilities which are in effect prior to the effective date of  
33 this section.

34 S 2. This act shall take effect on the thirtieth day after it shall  
35 have become a law.