

3461--A

2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

Introduced by Sens. C. JOHNSON, FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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 insti-
8 tution 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 employ-
17 ee responsible for the operation of the ultraviolet radiation device of
18 such facility.
19 2. [No owner, operator, or employee of a tanning facility shall permit
20 the use of an ultraviolet radiation device by a person fourteen to eigh-
21 teen years of age until such person provides the tanning facility with
22 the written consent, in a form prescribed by the commissioner, of a

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

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1 parent or legal guardian to use such tanning facility. The parent or
2 legal guardian shall sign such consent form in the presence of the owner
3 of the tanning facility or an employee responsible for the operation of
4 the ultraviolet radiation device of such facility indicating that such
5 parent or guardian has read the warnings required under subdivision two
6 of section thirty-five hundred fifty-four of this article and that the
7 person fourteen to eighteen years of age agrees to wear safety goggles
8 before using an ultraviolet radiation device. Such original written
9 consent shall be retained by the tanning facility for a period of twelve
10 months and may be retained off premises provided that an electronic
11 image or facsimile of the original signed consent form is readily avail-
12 able by the owner or employee responsible for the operation of the
13 ultraviolet radiation device of such facility.

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

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

24 [5.] 3. This section shall be exclusive and shall preempt any contrary
25 local law or ordinance, except that this section shall not preempt or
26 supersede local laws or ordinances imposing additional stricter
27 restrictions on the use and operation of ultraviolet radiation devices
28 at tanning facilities which are in effect prior to the effective date of
29 this section.

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