

1074--B

Cal. No. 62

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I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. WEISENBERG, MILLMAN, CASTRO, JAFFEE, ROSENTHAL, GALEF, P. RIVERA, DINOWITZ, N. RIVERA, ROBERTS, LINARES -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, CALHOUN, CAMARA, COOK, CRESPO, GIBSON, HEVESI, HOOPER, MAISEL, MALLIOTAKIS, MARKEY, McDONOUGH, McENEANY, McKEVITT, MENG, MONTESANO, NOLAN, SALADINO -- read once and referred to the Committee on Health -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

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

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-

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

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1 ee responsible for the operation of the ultraviolet radiation device of
2 such facility.

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

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

27 4. No owner, operator, or employee of a tanning facility shall permit
28 the use of an ultraviolet radiation device by persons SIXTEEN YEARS OF
29 AGE AND under [fourteen years of age].

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

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