

7446

I N S E N A T E

May 18, 2012

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to allowing body piercing with parental or guardian consent for persons under the age of eighteen

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

1 Section 1. The public health law is amended by adding a new section
2 460-a to read as follows:
3 S 460-A. RESTRICTIONS ON BODY PIERCING STUDIOS. 1. NO OWNER, OPERATOR
4 OR EMPLOYEE OF A BODY PIERCING STUDIO SHALL PERMIT BODY PIERCING ON A
5 PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS SUCH PERSON PROVIDES THE BODY
6 PIERCING STUDIO WITH THE WRITTEN CONSENT, IN A FORM PRESCRIBED BY THE
7 COMMISSIONER, OF A PARENT OR LEGAL GUARDIAN TO USE SUCH BODY PIERCING
8 STUDIO. THE PARENT OR LEGAL GUARDIAN SHALL SIGN SUCH CONSENT FORM IN THE
9 PRESENCE OF THE OWNER OF THE BODY PIERCING STUDIO OR A BODY PIERCING
10 SPECIALIST OF SUCH STUDIO. SUCH ORIGINAL WRITTEN CONSENT SHALL BE
11 RETAINED BY THE BODY PIERCING STUDIO FOR A PERIOD OF TWELVE MONTHS AND
12 MAY BE RETAINED OFF PREMISES PROVIDED THAT AN ELECTRONIC IMAGE OR
13 FACSIMILE OF THE ORIGINAL SIGNED CONSENT FORM IS READILY AVAILABLE BY
14 THE OWNER OR EMPLOYEE RESPONSIBLE FOR THE OPERATION OF THE BODY PIERCING
15 STUDIO.
16 2. A WRITTEN CONSENT FORM SIGNED BY A PARENT OR LEGAL GUARDIAN PURSU-
17 ANT TO SUBDIVISION ONE OF THIS SECTION SHALL EXPIRE TWELVE MONTHS FROM
18 THE DATE IT IS SIGNED BY THE PARENT OR LEGAL GUARDIAN. UPON THE EXPIRA-
19 TION OF A WRITTEN CONSENT FORM, A NEW WRITTEN CONSENT SHALL BE PROVIDED
20 IN THE MANNER PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION PRIOR TO THE
21 USE OF A BODY PIERCING STUDIO BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE.
22 3. THIS SECTION SHALL BE EXCLUSIVE AND SHALL PREEMPT ANY CONTRARY
23 LOCAL LAW OR ORDINANCE, EXCEPT THAT THIS SECTION SHALL NOT PREEMPT OR
24 SUPERSEDE LOCAL LAWS OR ORDINANCES IMPOSING ADDITIONAL STRICTER
25 RESTRICTIONS ON THE OPERATION OF BODY PIERCING STUDIOS WHICH ARE IN
26 EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

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

LBD15617-01-2

1 S 2. This act shall take effect on the ninetieth day after it shall
2 have become a law. Effective immediately, the addition, amendment and/or
3 repeal of any rule or regulation necessary for the implementation of
4 this act on its effective date is authorized to be made on or before
5 such effective date.