S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

February 3, 2011

Introduced by Sens. FUSCHILLO, JOHNSON, KRUEGER -- 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 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:

Section 1. Section 3555 of the public health law, as added by chapter 573 of the laws of 2006, is amended to read as follows:

S 3555. Restrictions on the use of ultraviolet radiation devices. 1. No owner, operator, or employee of a tanning facility shall permit the use of the tanning facility by a person eighteen years of age or older until such person provides a driver's license or other photographic identification card issued by a government entity or educational institution indicating that the individual is at least eighteen years of age and the facility has on file a signed written statement, in a form prescribed by the commissioner, acknowledging that such person has read the warnings required under subdivision two of section thirty-five hundred fifty-four of this article and agrees to wear safety goggles before using an ultraviolet radiation device. Such signed statement of acknowledgment may be retained by the tanning facility off premises provided that an electronic image or facsimile of the original signed statement of acknowledgment is readily available by the owner or employee responsible for the operation of the ultraviolet radiation device of such facility.

2. [No owner, operator, or employee of a tanning facility shall permit the use of an ultraviolet radiation device by a person fourteen to eighteen years of age until such person provides the tanning facility with the written consent, in a form prescribed by the commissioner, of a parent or legal guardian to use such tanning facility. The parent or legal guardian shall sign such consent form in the presence of the owner

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

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of the tanning facility or an employee responsible for the operation of the ultraviolet radiation device of such facility indicating that such parent or guardian has read the warnings required under subdivision two of section thirty-five hundred fifty-four of this article and that the person fourteen to eighteen years of age agrees to wear safety goggles before using an ultraviolet radiation device. Such original written consent shall be retained by the tanning facility for a period of twelve months and may be retained off premises provided that an electronic image or facsimile of the original signed consent form is readily available by the owner or employee responsible for the operation of the ultraviolet radiation device of such facility.

3. A written consent form signed by a parent or legal guardian pursuant to subdivision two of this section shall expire twelve months from the date it is signed by the parent or legal guardian. Upon the expiration of a written consent form, a new written consent shall be provided in the manner prescribed in subdivision two of this section prior to the use of an ultraviolet radiation device by any person fourteen to eighteen years of age.

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

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

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