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

8671--A

I N A S S E M B L Y

January 12, 2016

Introduced by M. of A. ZEBROWSKI -- 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 and chapter 230 of the laws of 2015 amending the public health law relating to requiring tattoo studios and body piercing studios to use single use needles and inks, to obtain consent forms from customers and to maintain customer consent forms for a period of not less than seven years, in relation to the promulgation of rules and regulations

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

Section 1. Subdivisions 10 and 11 of section 460 of the public health law, as added by chapter 230 of the laws of 2015, are amended to read as follows:

10. ["Single use ink" shall mean a sealed and pre-filled package of ink that is only intended for a single use] "APPROVED INK HANDLING PROCEDURE" SHALL MEAN TATTOO INK STORAGE AND USE PROCEDURES THAT ARE APPROVED AND DEEMED PROTECTIVE BY THE DEPARTMENT.

11. "Single use needle" shall mean a [sealed and sterile package of a disposable needle] NEEDLE THAT IS STERILE AND THAT HAS NEVER BEEN USED ON ANOTHER PERSON.

S 2. Section 467 of the public health law, as added by chapter 230 of the laws of 2015, is amended to read as follows:

S 467. Single use tattoo and body piercing equipment.

1. All tattoo studios and body piercing studios [must ensure that single use inks and] SHALL USE ONLY single use needles [are used] AND APPROVED INK HANDLING PROCEDURES in all tattoo and body piercing procedures performed in such establishments.

2. Prior to a person receiving a tattoo or body piercing from a licensed tattooist or body piercing specialist, such person and licensed tattooist or body piercing specialist must sign a form confirming that the tattooist or body piercing specialist:

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

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[a.] (A) Presented all single use [materials] NEEDLES in a sterile and sealed package, that are to be used during the tattoo or body piercing procedure, to the person receiving such tattoo or body piercing, AND EXPLAINED THAT ONLY APPROVED INK HANDLING PROCEDURES WOULD BE USED; and

[b.] (B) Opened all single use [materials] NEEDLES that are to be used during the tattoo or body piercing procedure [including needles, inks and other instruments] in the presence of the person receiving such tattoo or body piercing.

3. A copy of the [consent] CONFIRMATION form shall be given to the person receiving a tattoo or body piercing. The tattoo studio or body piercing studio shall retain a copy of such [consent] CONFIRMATION form for a period not less than seven years.

4. THE COMMISSIONER SHALL MAKE REGULATIONS UNDER THIS SECTION.

S 3. Section 3 of chapter 230 of the laws of 2015 amending the public health law relating to requiring tattoo studios and body piercing studios to use single use needles and inks, to obtain consent forms from customers and to maintain customer consent forms for a period of not less than seven years, is amended to read as follows:

S 3. This act shall take effect [on the one hundred twentieth day] ONE YEAR after it shall have become a law; PROVIDED, HOWEVER, THAT THE COMMISSIONER OF HEALTH MAY MAKE REGULATIONS AND TAKE ANY OTHER ACTIONS NECESSARY FOR THE IMPLEMENTATION OF THIS ACT ON ITS EFFECTIVE DATE BEFORE SUCH DATE.

S 4. The commissioner of health shall periodically review the regulations authorized by section 467 of the public health law to determine if the standards set forth therein are appropriate.

S 5. This act shall take effect on the same date and in the same manner as chapter 230 of the laws of 2015, takes effect.