

STATE OF NEW YORK

5585--A

2017-2018 Regular Sessions

IN SENATE

April 18, 2017

Introduced by Sens. BOYLE, ALCANTARA, BRESLIN, BROOKS, COMRIE, KAMINSKY, KENNEDY, KRUEGER, LATIMER, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommended to said committee

AN ACT to amend the public health law, in relation to tanning facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3550 of the public health law, as added by chapter
2 378 of the laws of 1990, is amended to read as follows:

3 § 3550. Definitions. When used in this article, the following words
4 and phrases shall have the meanings ascribed to them in this section:

5 1. "Tanning facility" shall mean any establishment where one or more
6 ultraviolet radiation device is used, offered, or made available for use
7 by any human being, ~~[for which]~~ whether or not a fee is charged, direct-
8 ly or indirectly, but shall not include any facility where any such
9 device is used by a qualified health care professional for treatment of
10 medical conditions.

11 2. "Ultraviolet radiation device" shall mean any equipment which is
12 designed to emit electromagnetic radiation in the wavelength interval of
13 two hundred to four hundred nanometers in air, and which is intended to
14 induce tanning of the human skin through irradiation, including, but not
15 limited to, a sunlamp, tanning booth, or tanning bed.

16 3. "Person" shall mean an individual, corporation, partnership, joint
17 venture, or any business entity.

18 § 2. Section 3555 of the public health law, as amended by chapter 105
19 of the laws of 2012, is amended to read as follows:

20 § 3555. Restrictions on the use of ultraviolet radiation devices. 1.
21 No owner, operator, or employee of a tanning facility shall permit the
22 use of the tanning facility by a person eighteen years of age or older
23 until such person provides a driver's license or other photographic

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

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1 identification card issued by a government entity or educational insti-
2 tution indicating that the individual is at least eighteen years of age
3 and the facility has on file a signed written statement, in a form
4 prescribed by the commissioner, acknowledging that such person has read
5 the warnings required under subdivision two of section thirty-five
6 hundred fifty-four of this article and agrees to wear safety goggles
7 before using an ultraviolet radiation device. Such signed statement of
8 acknowledgment may be retained by the tanning facility off premises
9 provided that an electronic image or facsimile of the original signed
10 statement of acknowledgment is readily available by the owner or employ-
11 ee responsible for the operation of the ultraviolet radiation device of
12 such facility.

13 2. No owner, operator, or employee of a tanning facility shall permit
14 the use of an ultraviolet radiation device by a person [~~seventeen to~~
15 under eighteen years of age [~~until such person provides the tanning~~
16 ~~facility with the written consent, in a form prescribed by the commis-~~
17 ~~sioner, of a parent or legal guardian to use such tanning facility. The~~
18 ~~parent or legal guardian shall sign such consent form in the presence of~~
19 ~~the owner of the tanning facility or an employee responsible for the~~
20 ~~operation of the ultraviolet radiation device of such facility indicat-~~
21 ~~ing that such parent or guardian has read the warnings required under~~
22 ~~subdivision two of section thirty five hundred fifty four of this arti-~~
23 ~~cle and that the person seventeen to eighteen years of age agrees to~~
24 ~~wear safety goggles before using an ultraviolet radiation device. Such~~
25 ~~original written consent shall be retained by the tanning facility for a~~
26 ~~period of twelve months and may be retained off premises provided that~~
27 ~~an electronic image or facsimile of the original signed consent form is~~
28 ~~readily available by the owner or employee responsible for the operation~~
29 ~~of the ultraviolet radiation device of such facility.~~

30 3. ~~A written consent form signed by a parent or legal guardian pursu-~~
31 ~~ant to subdivision two of this section shall expire twelve months from~~
32 ~~the date it is signed by the parent or legal guardian. Upon the expira-~~
33 ~~tion of a written consent form, a new written consent shall be provided~~
34 ~~in the manner prescribed in subdivision two of this section prior to the~~
35 ~~use of an ultraviolet radiation device by any person seventeen to eigh-~~
36 ~~teen years of age.~~

37 4. ~~No owner, operator, or employee of a tanning facility shall permit~~
38 ~~the use of an ultraviolet radiation device by persons sixteen years of~~
39 ~~age and under].~~

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

46 § 3. This act shall take effect immediately.