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

5154

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BUTLER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting body piercing and tattooing without 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:

Section 1. The public health law is amended by adding a new section 460-a to read as follows:

S 460-A. RESTRICTIONS ON BODY PIERCING STUDIOS AND TATTOO STUDIOS. 1. NO OWNER, OPERATOR OR EMPLOYEE OF A BODY PIERCING STUDIO OR TATTOO STUDIO SHALL PERMIT BODY PIERCING OR TATTOOING ON A PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS SUCH PERSON PROVIDES THE BODY PIERCING STUDIO OR TATTOO STUDIO WITH THE WRITTEN CONSENT, IN A FORM PRESCRIBED BY THE COMMISSIONER, OF A PARENT OR LEGAL GUARDIAN TO USE SUCH BODY PIERCING STUDIO OR TATTOO STUDIO. THE PARENT OR LEGAL GUARDIAN SHALL SIGN SUCH CONSENT FORM IN THE PRESENCE OF THE OWNER OF THE BODY PIERCING STUDIO OR TATTOO STUDIO OR A BODY PIERCING SPECIALIST OR TATTOO SPECIALIST OF SUCH STUDIO. SUCH ORIGINAL WRITTEN CONSENT SHALL BE RETAINED BY THE BODY PIERCING STUDIO OR TATTOO STUDIO 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 BODY PIERCING STUDIO OR TATTOO STUDIO.

2. A WRITTEN CONSENT FORM SIGNED BY A PARENT OR LEGAL GUARDIAN PURSUANT TO SUBDIVISION ONE 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 ONE OF THIS SECTION PRIOR TO THE USE OF A BODY PIERCING STUDIO OR TATTOO STUDIO BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE.

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

LBD07890-01-9

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 OPERATION OF BODY PIERCING STUDIOS AND TATTOO STUDIOS WHICH ARE IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.